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Essay on the Common Law of Ruanda
(Essai de Droit Coutumier de Ruanda)

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Mutara III, King of Ruanda. (Taken by Author)

[Facing p. 3]

Two aspects of Central Ruanda.

Lake Mohasi in Buganza.

Lake Mulera.
In the foreground, field of lava.
In the background, the Muhavura volcano.

(All taken by Author)

1;Vanhove--vi G-5 (ca. 1935) 1941 FO42 Rundi FO42

Political and Administrative Map of Ruanda

[Following Title Page]

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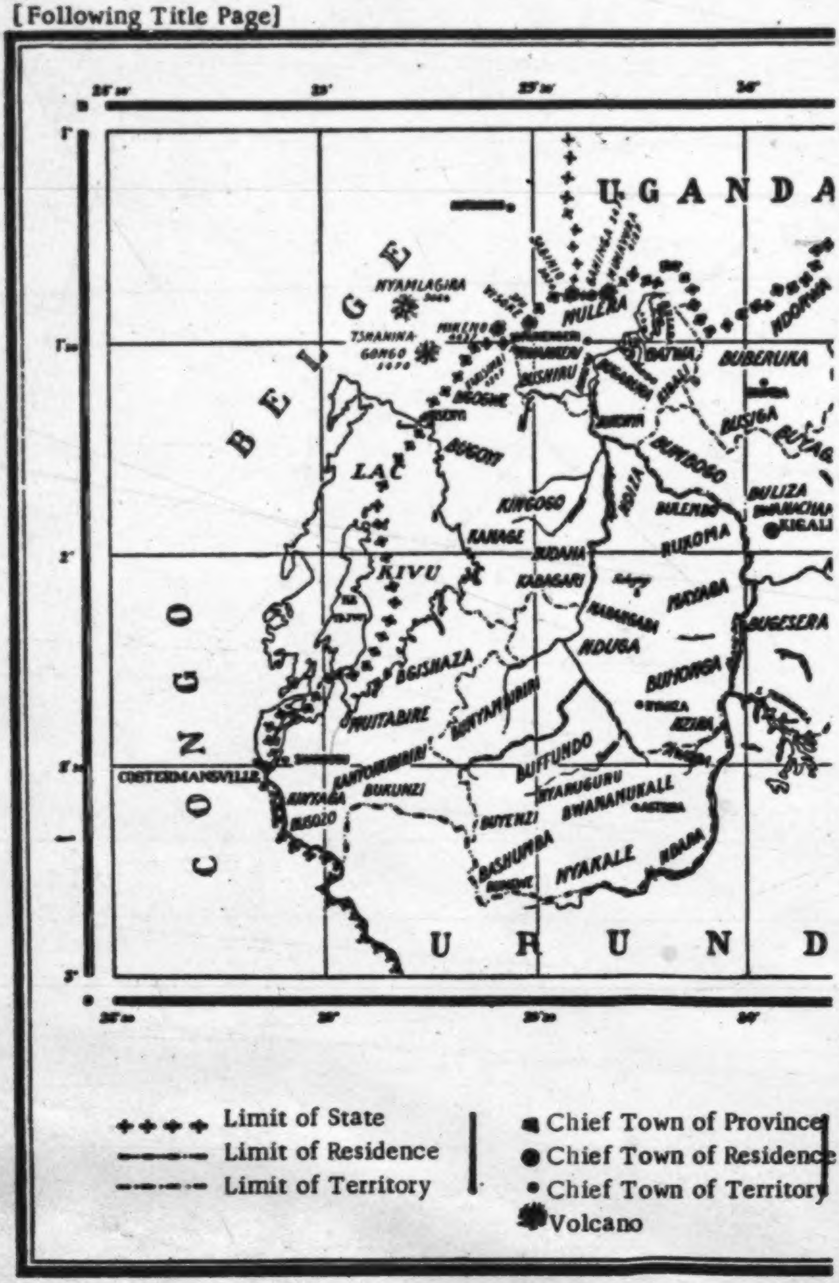
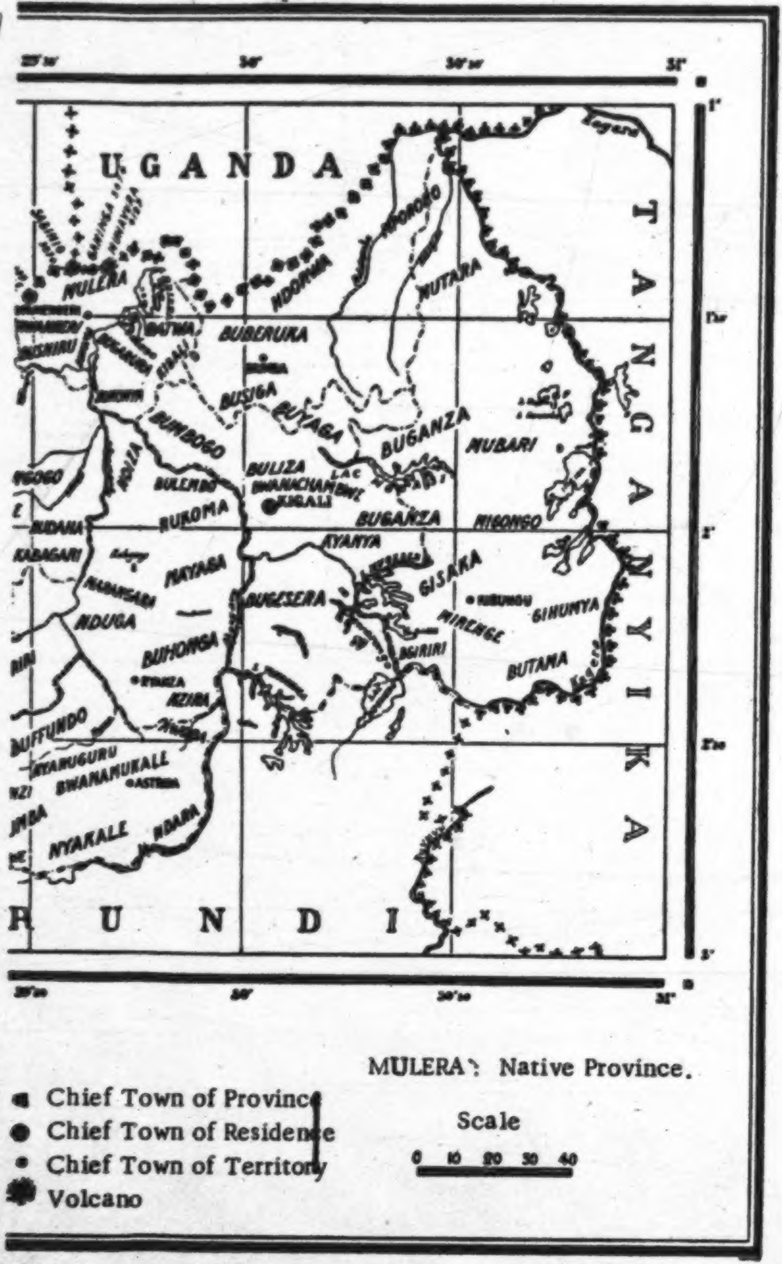


29°
30°
UGANDA
CONGO BELGE
LAC KIVU
URUNDI
NYAMLAGIRA
TSHANINA-GONGO
MIKENO
MULERA
BUSHIRU
BUBERUKA
BUGOYI
KINGOGO
KANAGE
BUDAHA
KADAGARI
BUMBOGO
BULEMBO
BUKOMA
BULIZA
KIGALI
BUSIGA
NDORWA
MAYABA
BUGESERA
NDUGA
BUHOMBA
BGISHAZA
BUNYAMBIRIRI
MUITABIRE
COSTERMANSVILLE
KINYAGA
BUKUNZI
BUGOZO
BUFFUNDO
NYARUGURU
BWANAMUKALI
BUYENZI
BASHUMBA
NYAKALE
NDARA
✚✚✚✚ Limit of State
Limit of Residence
Limit of Territory
■ Chief Town of Province
● Chief Town of Residence
• Chief Town of Territory
Volcano

[Second half of map]


29°30'
30°
30°30'
31°
1°
1°30'
2°
2°30'
3°
UGANDA
TANGANYIKA
RUNDI
Kagera
MULERA
NDORWA
MUTARA
BUBERUKA
BUSIGA
BUYAGA
BUGANZA
MUBARI
BUMBOGO
BULIZA
BULEMBO
BWANACHAMBWE
LAC
KIGALI
BUKOMA
BUGANZA
MIGONGO
KYANYA
BUDAHA
KABAGARI
NYANTANGA
MAYAGA
GISAKA
KIBUNGU
GIHUNYA
MIRENGE
BUGESERA
NDUGA
BUHONGA
BIRIRI
BUTAMA
NYANZA
BUFFUNDO
NYAMUGURU
BWANAMUKALI
ASTRIDA
NYAKALE
NDARA
MULERA : Native Province.
Chief Town of Province
Chief Town of Residence
Chief Town of Territory
Volcano
Scale
0 10 20 30 40

Essay on the Common Law of Ruanda

J. Vanhove

Preface

101 Beyond the eastern shore of Lake Kivu extends a country of
563 high hills called Ruanda. Nestling in banana groves, innumerable
huts cling to the hillside, their smoke rising to the sky, and on the
summits the brisk wind sways the pink grasses of the pastures where
long-horned cattle graze. The exceptionally dense population con-
[161] sists of about 3,000,000 Bahutu of Bantu origin who are dominated by
some tens of thousands of Batutsi, Hamitic shepherds who have prob-
ably come down from the Ethiopian plateaus. Finally, here and
there, Batwa pygmoids, potters and hunters, live apart from the other
natives who despise them.

183 Europeans who first studied the customs of the country dis-
671 covered to their surprise that they showed a number of points in com-
mon with our feudalism. The tenure of land and of cattle as well as
[643] the dependence of persons are under a [4] strict regulation which the
ruler of Ruanda has the absolute power to modify but which has, in
fact, remained unchanged throughout the ages.

177 Our occupation has obviously had the effect of modifying the
customs in many ways. For example, we could not approve of the
183 brutal evictions and attempts on life and liberty made in the name of
the right of the strongest. Evangelization has also introduced into the
heart of the native society notions of justice and gentleness which are
very different from the natives' original conceptions. However, despite
177 the efforts of our civil servants and our missionaries to attack what is
183 most to be condemned in it, native custom still largely holds its
563 sway due to the influence of the great Batutsi chiefs, who are eager
to maintain their authority intact, and also due to that of the sorcerers,
toothsayers, rain makers, and many others, who attempt to maintain
the traditional law by playing on the credulity and superstitious mind
of the Banyarwanda [Banyaruanda] and thus protect their prestige and
their revenues. In addition, while realizing the protection we give them
in repressing arbitrary actions, the Bahutu submit to the changes we

177 have brought to their customs rather than truly adhere to them. This
183 passive attitude is due to an inveterate fatalism which makes them
563 bow before the undisputed master, the Mututsi, and also to the
antiquity of custom which makes it as respectable as an almost divine
institution.

671 As is the case in the Belgian Congo and generally in [5] Black
Africa, the common law contains not only juridical rules applicable
to persons, property, and society, it also contains religious and magic
regulations, various recipes, etc. Such as it is, it forms a disparate
yet solid whole which gives the solution to problems arising from the
individual and collective life of the Banyarwanda.

The common law of Ruanda, applicable to a homogeneous
671 population, is the same everywhere, except in the north on the
184 frontier of Kivu and Uganda, where the authority of the Batutsi over
563 the Bahutu could not assert itself as in the rest of the country. This
independence has resulted in the substitution of the administration
of the Bahutu clan and family chiefs for that of the Hamite officials.

Those who have known Ruanda and its people best are the
114 members of the Society of Missionary Fathers of Africa. The Reverend
Fathers Lupias, Schumacher, Arnoux, Pagès, and Hurel have published, in the Anthropos and Congo reviews (among others) and in
numerous monographs, elaborate studies on different aspects of the
social, political, religious, and intellectual life of the Banyarwanda.
The territorial governors Lenaerts and Sandrart have also brought fruitful contributions to the knowledge of Ruanda common law.

121 Nevertheless, we do not believe that a more or less complete
account of the customs of private and public law of Ruanda has ever
been prepared. This is what we have modestly attempted to do in the
[125] present work by inserting observations gathered in a questionnaire set
up especially to facilitate [6] the study of native law (1). We have not been able to go into the details of all the institutions of which some, particularly those relative to cattle contracts, would alone require a whole volume.

124 But, in spite of the limited time we could devote to this account of the customs, we believe we have given the essential points

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1. J. Vanhove, Questionnaire de Sociologie juridique, Brussels, printer Lesigne, 1939.

[opp. p. 6]

342

A hill chief and his family sitting on the threshold of their home. In the foreground can be seen the imitabo, a very low, festoon-shaped mud walls.

291

Reverend Father Pages surrounded by young Batutsi men.

(Both photos taken by Author)

124 of the complex customs of Ruanda. The value of our information,
[115] emanating from the principal abiru, guardians of the customs of the Court of Nyanza, and from the seminarists, sons of the great provincial chiefs, as well as the cross-checking we have done, make us hope that we will present an essay from which all fantasy has been eliminated.

121 We hope that it will be possible for all those, both clerical and lay, who work in the "country of the cow and the drum," as well as ethnologists needing a basis for research, to have a clear picture of an organization, of a mechanism both complicated and precise, that takes us back mutatis mutandis both to the atmosphere of the ancient City and to that of the medieval world. [7]

External view of a provincial chief's rugo.

(Official photograph, Colonial Office.)

SECTION I. PERSONAL STATUS

CHAPTER I. THE FAMILY AND THE CLAN

1. Generalities

596 The family _sensu_ _stricto_ (_rugo_) (1) is more inclusive than in
our countries. It includes the father; his wives and their children,
whether married or not; the father's brothers; and their wives and
[567] children. Formerly, the slaves taken in war (_abanyagano_) (2) were
also part of it.

[566] The Bahutu, serfs of the Batutsi, have their own _rugo_. The
Ruanda family is of the patriarchal type. Filiation counts in the
[611] paternal line (3); the child does not necessarily take the name of his
596
591 father (4); paternal authority is exercised by the father, and the wife

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[194] 1. The _rugo_ is the enclosure in which are the hut, the granaries, and the stables. By extension, this word designates the family in the strict sense of the word. In the plural: _ingo_.

2. Cf. also Marriage, p. 15; Birth and Filiation, p. 29; Government and Administration, Nationality, p. 70; Social Classes, p. 91; Right of War, p. 92.

3. The children are nevertheless considered, in a way, as belonging to both father's family and the mother's. The Banyarwanda say: _Umuntu akomoka iwabo wase nanyina_, that is to say, "the man proceeds from both (families), his father's and his mother's."

4. This was even rare before European penetration.

596 [591] comes and lives with her husband (5). [8]

[595] 5. The polygamous Mututsi does not occupy his own dwelling. He visits in turn each of his wives in their individual dwellings.

597 596 Adopted children are also part of the family. Thus a childless man (inchike) can adopt a son of his brother (umuhungu wachu), failing this, a son of his sister (umwishywa), or that of a friend. A [563] Mututsi cannot adopt a Muhutu child, and vice versa.

As the women cannot inherit, adoption provides a means for a [428] brother to give his sister the benefit of certain advantages, for it has [562] the effect of establishing a nephew as heir (kulaga, lit., to promise his property).

The adopted child acts exactly as if he were the son of his adopted father; he pays homage to the chief for him, he orders his affairs, he defends him in court, etc. The daughters call him brother [586] and if they are divorced they ask him for shelter.

It may also happen that the umwishywa may become at the same time head of his maternal uncle's rugo and chief of the maternal clan (umutware w'umulyango ya nyina).

597 428 The adopted child may keep the inkazibiti (1) received from his true father, but may no longer share in the division of the latter's inheritance. It may also happen that he receives his share (indemano) (2 before going to his adopted father; in this case while being a client (umugaragu) (3) of the latter, he remains also, by the indemano, a client of his true father.

If the adopted child is disobedient or ungrateful to his adopted father, the latter may curse him and send him away empty-handed.

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1. Cf. Property, Ownership of Cattle, p. 41.

2. Cf. idem, p. 42.

3. The patron is called shebuja.

614 The clan (*umulyango*) (4) or *inzu* includes all those who claim

4. Not to be confused with *umúlyango*, "door."

a common ancestor who is founder of the [9] race. In the course of time the clan has become divided into several subclans (*imilyango*).

The clan and the subclan have names (*ubgoko*) that recall the name of the founder. Thus the members of the *umulyango* of the Abanyiginya are the descendants of Kimanuka who is the *Umunyiginya* (the first of the Abanyiginya). Ndabarasa, son of the Mwami Rujugira Chyirima, who became king under the name of Kigeri, was the *Umurabarasa*, the first of the *umulyango* of the Abarabarasa or Ibigina. This last name is what they are called at the present time.

614 775 Each *umulyango* possesses one or several animal totems (*ibiziro*). For example, the totems of the Abanyiginya are the crested crane (*umusambi*) and the ox-pecker (*inyange*); that of the Abega is the toad (*igikeri*); that of the Abagessera is the wagtail (*inyamanza*). The member of a clan will never kill such a bird, for example, because he believes that it contains the spirit of an ancestor.

614 563 The Bahutu belong to the same *umulyango* as the Batutsi and possess the same totems. However, they have a different name. For example, those who live with the Abega and the Abanyiginya are called respectively Abasavere and Abasindi.

2. The Head of the Family and of the Clan

596 The head of the family *sensu stricto* (*umutware w'urago rwa se*, lit., the head of his father's *rugo*) is normally the father. After his death, one of his sons, not necessarily the eldest, succeeds him. It may happen that the widow of the family head provisionally directs the *rugo* if her husband has died without designating his successor or when his sons are still children (1). [10]

614 1. While still forming part of her [own] *umulyango*, the wife is, so to speak, incorporated into her husband's *inzu* if she has children. But she does not take the name of her husband's *umulyango*. The

614 wife always remains a stranger to her
husband's clan and keeps her own totem.

596 The umutware w'urugo rwa se is only slightly important and
614 this word is seldom used. More important is the umutware w'urugo
rwa bo (lit., of them), also called umutware w'umulyango, who has command both of his rugo and the umulyango.

614 The umulyango is a social entity without any political value. Thus Rwabutogo, chief of the umulyango of the Abega, owns only the province of East Buganza. In matters of family and cattle he commands Rwagatakara, who in turn commands Rwabusisi, chief of Buliza and South Buganza.

614 The umutware w'umulyango exercises a paternal jurisdiction
689 over all the members of his group. If they disobey him seriously he
425 can drive them out and seize their cattle (indemano, inkazibiti) except for the animals they have received as a gift from the king (ingabane) (1). However, it is the Mwami who has the right of
[166] eviction. In addition, if the king sees that an injustice has been committed, he authorizes the one who has been the victim to settle elsewhere so as to remove himself from the jurisdiction of the chief of the umulyango, without however ceasing to belong to the clan. If the Mwami asks the umulundo (2) from the chief of the umulyango, the latter can in turn claim some inyiturano (3) from his family. On the other hand, the chief of the umulyango can show his favor to those of his relatives with whom he is satisfied by giving them some ingabane.

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1. Cf. Property, Ownership of Cattle, p. 42.

2. That is to say, lit., "wishes to see the cattle of his cattle." He takes only one or two animals.

3. Cf. Property, Ownership of Cattle, p. 43.

3. Laws of the Family and the Clan

614 1. It is forbidden to marry a person belonging to the same umulyango, whatever the degree [of relationship]. Only the Abanyiginya, the clan from which the kings come, may marry [11] within their [own] inzu (1) and a fortiori into the other imilyango.

> 1. The reason for this endogamy must be sought in the fact that, according to legend, Kigwa married his sister Nyampundu.

However, marriage is forbidden with the Abatshyaba, the Abungura, and the Abakomankali. They usually marry the Abega.

The Abega (the family providing the queens), the Abagessera, the Abakono, the Abaha, and the Abasinga may not marry within their [own] umulyango nor into the other inzu. They are allowed to marry the Abunguru and Abakomankali, but not the Abatshyaba.

[426] [672] 2. The active and passive solidarity [joint and separate liability] in the matter of debts exists only on the paternal side (iwabo wa se) and not in the mother's umulyango (iwabo wa nyina).

The same is true in penal matters unless it is a case of a blood debt.

4. Table of Names Indicating Relationship through Kinship and Marriage

601 Those who are members of the same umulyango are called abagil'ichyobahuriycho, abagil' ichyobapfana, or, and it is the most frequently used and most precise term, abafit'isano.

Husband: umugabo
Wife: umugore
The husband of two wives: umugabo z'ishyali
One of the wives speaking of the other: umukeba wa njye
The husband speaking of one or the other [of the wives]: umukeba we

Son:
1) When the mother speaks: umuhungu wa njye
2) When another wife of the father speaks: umuhungu wa mukeba wa njye
or umuhungu w'umugabo wa njye

601 Daughter:

1) When the mother speaks: umukobga wa njye [12].
2) When another wife of the father speaks: umukobga w'umukeba wa njye

Father: data
Mother: mama } Parents: ababyeyi

The second wife of my father: muka data
Each of the other wives of my father: muka data

Brothers and sisters:

A. — Of the same father and the same mother: abo tuv'indimwe kwa data na mama

- a) Brother (a boy speaks)
  - 1) Eldest: mukuru wanjye (big brother)
  - 2) Younger brother: murumuna wanjye (little brother)
  - 3) Twin: uwo dusangiye data na mama
- b) Sister (a boy speaks):
  - 1) Eldest: mushiki manjye mukuru
  - 2) Younger sister: mushiki wanjye muto
  - 3) Twin: mushiki wanjye (implying, twavutse impanga)
- a) Brother (a girl speaks):
  - 1) Eldest: musaza wanjye mukuru
  - 2) Younger brother: musaza wanjye muto
  - 3) Twin: uwo (implying, twavutse impanga)
- b) Sister (a girl speaks)
  - 1) Eldest: mukuru wanjye
  - 2) Younger sister: murumuna wanjye
  - 3) Twin: uwo (implying, twavutse impanga)

B. — Of the same father and different mothers: bene data

- a) Brother (a boy speaks):
  - 1) Eldest: mukuru wanjye wo kwa data
  - 2) Younger brother: murumuna wanjye wo kwa data
- b) Sister (a boy speaks)
  - 1) Eldest: mushiki wanjye mukuru wo kwa data
  - 2) Younger sister: mushiki wanjye muto wo kwa data
- a) Brother (a girl speaks)
  - 1) Eldest: musaza wanjye mukuru wo kwa data
  - 2) Younger brother: musaza wanjye muto wo kwa data

- b) Sister (a girl speaks)
    - 1) Eldest: mukuru wanjye wo kwa data
    - 2) Younger sister: murumuna wanjye wo kwa data [13]

C. – Of the same mother and different fathers:

- a) Brother (a boy speaks)
    - 1) Eldest: mukuru wanjye wo mwa mama
    - 2) Younger brother: murumuna wanjye wo mwa mama
- b) Sister (a boy speaks)
    - 1) Eldest: mushiki wanjye mukuru wo mwa mama
    - 2) Younger sister: mushiki wanjye muto wo mwa mama
- a) Brother (a girl speaks)
    - 1) Eldest: musaza wanjye mukuru wo mwa mama
    - 2) Younger brother: musaza wanjye muto wo mwa mama
- b) Sister (a girl speaks):
    - 1) Eldest: mukuru wanjye wo mwa mama
    - 2) Younger sister: murumuna wanjye wo mwa mama

Paternal grandfather: sogokuru	Maternal grandfather: sogokuro ubyara mama
Paternal grandmother: nyogokuru	Maternal grandmother: nyogokuru ubyara mama

Grandchildren: abuzukuru

Paternal great-grandfather: sogokuruza	Maternal great-grandfather: sogokuruza ubyara mama
Paternal great-grandmother: nyogokuruza	Maternal great-grandmother: nyogokuruza ubyara mama

Great-grandchildren: abuzukuruza

Paternal uncle: sewabo (or tata wachu	Maternal uncle: marume (my uncle), nyirarume (his uncle)
Paternal aunt: masenge	Maternal aunt: mama wachu
Nephew (son of my brother) (a man speaks): umuhungu wachu	Nephew (son of my sister) (a man speaks) umwishywa
Niece (daughter of my brother) umukobwa wachu	Niece (daughter of my sister) (a man speaks): umwishywa m'umukobwa [14]
Nephew (the paternal aunt speaks): mwisengeneza wanjye	Nephew (the maternal aunt speaks): umwana wanjye

601 Niece (the paternal aunt speaks): mwisengeneza wanjye

Sons and daughters of the paternal uncle (cousins): bene data wachu

a) Cousin (a boy speaks)
1) Older: mukuru wanjye wo kwa data wachu
2) Younger: murumuna wanjye wo kwa data wachu
3) Of the same age: mwene data wachu

b) Girl cousin (a boy speaks):
1) Older: mushiki wanjye mukuru wo kwa data wachu
2) Younger: mushiki wanjye muto wo kwa data wachu
3) Of the same age: mushiki wanjye wo kwa data wachu

a) Cousin (a girl speaks):
1) Older: musaza wanjye mukuru wo kwa data wachu
2) Younger: musaza wanjye muto wo kwa data wachu
3) Of the same age: musaza wanjye wo kwa data wachu

b) Girl cousin (a girl speaks):
1) Older: mukuru wanjye wo kwa data wachu
2) Younger: murumuna wanjye wo kwa data wachu
3) Of the same age: umuvanadimwe wo kwa data wachu, or more simply, mwene data wachu

Sons and daughters of the paternal aunt (cousins): ababyara bo kwa masenge (1)

Niece (the maternal aunt speaks): umwana wanjye

Sons and daughters of the maternal aunts: (cousins): ababyara

a) Cousin (a boy speaks)
Older: mukuru wanjye wo mwa mama wachu
2) Younger: murumuna wanjye wo mwa mama wachu
3) Of the same age: mwene mama wachu

b) Girl cousin (a boy speaks):
1) Older: mushiki wanjye mukuru wo mwa mama wachu
2) Younger: mushiki wanjye muto wo mwa mama wachu
3) Of the same age: mushiki wanjye wo mwa mama wachu

a) Cousin (a girl speaks):
1) Older: musaza wanjye mukuru wo mwa mama wachu
2) Younger: musaza wanjye muto wo mwa mama wachu
3) Of the same age: musaza wanjye wo mwa mama wachu [16]

b) Girl cousin (a girl speaks):
1) Older: mukuru wanjye wo mwa mama wachu
2) Younger: murumuna wanjye wo mwa mama wachu
3) Of the same age: uwo wanjye wo mwa mama wachu

Sons and daughters of the maternal uncle (cousins): ababyara bo marume (1)

---

1. These are not distinguished by age nor

601

whether a boy or a girl speaks of the children of his or her paternal aunt or his or her maternal uncle.

Paternal great-uncle: sogokuruza
Paternal great-aunt: nyogokuruza wo kwa data
Maternal great-uncle: sogokuruza wo mwa mama
Maternal great-aunt: nyogokuruza wo mwa mama
Great-nephews: abuzukuruza

Father-in-law (father of my wife): databukwe
Mother-in-law (mother of my wife): mabukwe

Father-in-law (father of my husband): databukwe
Mother-in-law (mother of my husband): mabukwe

Son-in-law (husband of my daughter):
A man speaks: umukwe
A woman speaks: umukwe wanjye
Daughter-in-law (wife of my son):
A man speaks: umukazana
A woman speaks: umukwe wanjye [16]
Brother-in-law:
(a man speaks)
1) Husband of my sister: muramu wanjye
2) Brother of my wife: muramu
3) Husband of my wife's sister: musanzire wanjye
(A woman speaks)
1) Husband of my sister: muramu wanjye
2) Brother of my husband: umugabo wanjye
3) Husband of my husband's sister: muramu wachu
Sister-in-law:
(a man speaks)
1) Wife of my brother: umugore wachu
2) Sister of my wife: muramu
3) Wife of my wife's brother: umugore wa muramu wanjye
4) Second wife of my sister's husband: mukeba wa mushiki wanjye
(a woman speaks)
1) Wife of my brother: muramukazi

7

601 2) Sister of my husband: muramukazi wanjye
3) Wife of my husband's brother: mukeba wanjye
4) Second wife of my sister's husband: umugore wa muramu wanjye
or mukeba w'uwo tuv'indimwe
Those who have married two sisters: abasanzire
Two men, each of whom has married the sister of the other: abaramu
Father of my son-in-law: bamwana wanjye
Mother of my son-in-law: bamwana wanjye
Brother of my son-in-law: umukwe wanjye
Sister of my son-in-law: umwana wanjye
Father of my daughter-in-law: bamwana wanjye
Mother of my daughter-in-law: bamwana wanjye
Brother of my daughter-in-law: umukwe wanjye
Sister of my daughter-in-law: umwana wanjye [17]

5. The Blood Pact

608 The blood pact (kunywana) is practiced throughout the whole of Ruanda and particularly by the Bahutu. Blood brothers (abanywanyi) can depend on each other completely. They must help each other in the most difficult circumstances of life and may even mutually dispose of their property (1) and their wives (2).

1. By special agreement.

2. With the consent of the wives.

The interested parties, each one assisted by a witness who will guarantee the other party's observation of the pact, sit down on a mat in the hut of one of them. Each of the witnesses cuts a leaf of coral erythrin (muko) and removes the stalk; he rolls the leaf into a cone shape and pours into it a little sorghum flour. Then with a small knife he makes an incision below the navel of the one he is assisting. He presses the sides of the cut to make the blood flow, collects it in the cone, and mixes it with the flour, using the leaf stalk. Then each party drinks the mixture called gihango (lit., blood) presented to him by the other's witness. The witnesses then pronounce imprecations (kutanga) in the name of their respective clients in order to seal the pact: "If you find me ill or wounded on the road and do not help me, may the gihango kill you."

608 "If you refuse to give me lodging or food, may the gihango kill you."

The two blood brothers then lie down on the mat side by side for a few moments to indicate that they will be indissolubly united in good as in bad days.

Then the one who is the visitor takes a handful of herbs and throws it on the hearth, saying: "If you come to my house and [18] I am away you may drink my beer and warm yourself with my wood, and may the gihango do you no harm, for you will not have wanted either to steal my beer or to burn my hut. But if my wife refuses to give you the beer and the wood, it is no concern of mine, for my wife is not bound as we are by the blood pact."

The abanywanyi then offer gifts to the witnesses such as hoes, necklaces, etc., and give each other presents of hoes, goats, and cows, according to their means, in order "to free themselves from the mat on which the blood pact has taken place," (kwichara ku kirago).

CHAPTER II. MARRIAGE

1. Kinds of Unions

583 The word ugushaka (to have a wife) designates marriage in general.

The typical marriage with payment of a dowry (inkwano) to the girl's father is called kurongora.

A umugeni w'ubuntu (lit., betrothed given as a present) may
[572] be given as testimony of affection to a friend. Later the man can
give a dowry, but he is not obliged to do so. If the friends quarrel,
[562] the dowry may then be reclaimed. A powerful chief can also give
his mututsi client a young girl as a gift (umugeni w'ingororano).

587 To marry a divorced woman or a widow is called gutshyura umusumbakazi (lit., to bring home a woman who has already been married). These unions are frequent, especially among the Bahutu. When they start keeping house, the husband only gives the bride's paterfamilias a jug of pombe, but if the couple have children he must give a dowry. [19]

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[opp. p. 18]

Two Bahutu mothers, their heads encircled with the urugori greet each other.
(Official photograph, Colonial Office.)

[opp. p. 19]

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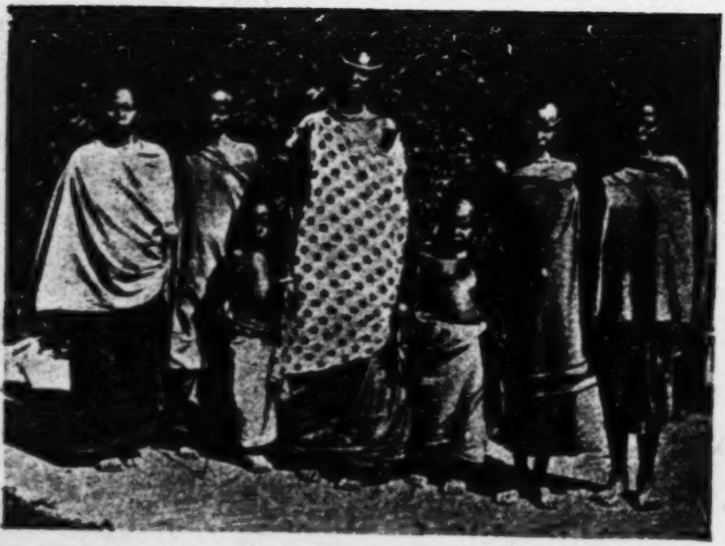

Mututsi lady surrounded by her children and her female servants.

(Official photograph, Colonial Office.)

583 A young man may carry off a young girl (kwiba umugeni) in order to force the consent of her parents. But the young man's father subsequently gives a dowry.

588 There are ibyomanzi (vagrant women) who stay with a man for indefinite period of time according to the circumstances of their wandering lives (kubuyera or kohoha). The fate of these unions is obviously precarious. If, against all probability, their common life lasts for several years, the woman may introduce her concubinary to relatives [or parents]. If children are born, the man may be obliged to give a dowry. The marriage is then regularized.

583 It may also happen that two men, each with a sister whose dowry they may claim, will exchange wives: abageni b'ubuntu bunyuranye (lit., the betrothed as gifts).

In all these marriages the fate of the wife and children is the same as in the typical marriage. If the husband does not pay any dowry, the wife's father may take the children away and keep them as hostages until their father has fulfilled his obligations.

567 583 Formerly, children who were prisoners of war (abanyagano) married later, usually amongst themselves. The master could also give a captive girl in marriage to one of his clients. He collected the dowry but on the other hand, he had to pay a dowry for one of his slaves who wanted to marry a woman of the same region.

The slave, his wife, and their children continued to be part of the master's household. If one of these children wished to get married in his turn, his father would pay the dowry for his son or collect it for his daughter, and by that very act, his son or daughter was freed and became munyarwanda.

567 If the master married a slave woman, the children of this union would be of the same status as their [20] father, even if he already had other children with a munyarwanda woman.

2. Types of Marriage

595 Polyandry does not exist in Ruanda.

Polygamy (polygyny) is universal, except among the Christian natives, and particularly among the Bahutu, who have an average of two or three wives and sometimes even four or five.

The Batutsi most often have two wives. The great chiefs have, in addition to their wives, a certain number of insholeke (concubines).

595 The Batwa usually have four or five wives.

One of the wives has a special name, inkundwakazi (the loved one, the favorite). She is thus called because of her qualities: her cleanliness, her ability to make pombe, her faithfulness, her careful supervision of the crops, the good treatment she extends to the abagaragu, the constant care she takes of the cattle, the friendly reception she reserves for her husband's friends, the care with which she has the master's orders carried out in his absence (1).

[836] 1. The inyungwakazi is quite the opposite of the inkwundakazi. She is a wife without any domestic qualities, who is disobedient, even adulterous. If her husband does not repudiate her, he keeps her at a distance and has no relations with her.

As to the other wives, the husband, in speaking of them, simply says abagore banjye (my wives). However, the favorite may not give them orders. Only the husband can give orders to his wives.

Children of different moth[illegible] (or of different fathers) are on the same footing and considered as real brothers and sisters. [21]

[848] Adulterine children belong to the husband of the unfaithful wife.

858 595 Whether legitimate or not, the children are not treated differently according to their mother's condition. But if the children of a concubine show themselves to be unbearable, people will not fail to contemptuously call them abana bo mu milombero (children of the hedges).

3. Obstacles to Marriage

582 1. Exogamy.

The Batutsi (except the Abanyiginya) and the Bahutu may not take a wife from within their father's family and clan, whatever the kinship. Parallel cousins (1) therefore cannot marry each other, but

1. Parallel cousins are those whose fathers are brothers or whose mothers are sisters.

582 marriage is allowed between crosscousins (2), for the sister's children belong to their father's family. An uncle may never marry his niece.

2. Crosscousins are those of whom the father of one is the brother of the other's mother.

Endogamy (kwisabira ku mugongo, lit. to find one's self on one's back) and exogamy both exist at the same time among the Abanyiginya. However, they may not marry the daughter of their brother or their sister. Similarly, they may not take a wife among the Abungura, the Abasinga, and the Abatshyaba.

587 When a man dies, his father or his brother may marry one of his widows. Similarly, the son who succeeds him as head of the family may marry his father's wives, other than his own mother, on condition that they do not belong to his mother's family.

The husband of the deceased's sister may marry his sister-in-law (muramukazi), but not the latter's daughter (umukobwa wachu). Similarly, the brother of the deceased's wife may marry his sister-in-law, but not her daughter (umwishywa w'umukobwa). [22]

Marriage is permitted with the widow of a blood brother but not with his daughter.

582 563 The Batutsi may marry Bahutu women. For example, a patron might give his daughter in marriage to one of his clients of whom he is particularly fond. But an umugaragu is forbidden to ask his shebuja for permission to marry his daughter.

2. Impuberty.

582 In the past a young man and a girl could not get married before the age of twenty-five and eighteen respectively. A little girl (inshube) and a little boy (ingimbi) were sometimes betrothed, but they remained with their parents until the time of their marriage.

Nowadays a young man usually gets married when he is eighteen and a girl when she is fourteen.

3. Lack of consent.

584 The father chooses the wife for his son. If he is dead, one of his brothers takes his place in this undertaking. The son who is head of the family finds wives for his brothers and receives marriage proposals

584 for his sisters. The girl and the young man must obey the will of the paterfamilias. Even if their feelings are not in agreement, they cannot refuse to marry. This is particularly true when the fathers are friends and wish to avoid quarreling. Obviously, marriages entered into under these conditions are unstable and nearly always last only a short time.

This rule is not sanctioned with any penalty, but anyone who did not comply with it would expose himself to public contempt. Nowadays, more and more frequently, the young man makes the choice himself and asks his father to take the necessary steps with the family of the girl he has chosen. [23]

4. The Dowry

583 The purpose of the dowry (inkwano) is to buy back the children that will be born of the marriage. In fact if it is not paid to whom it is due (the wife's father or brother), he will take the children as hostages.

Also the dowry contributes to the stability of the marriage. The relatives, who have to refund the dowry if the marriage is broken, are certain to encourage the husband and wife to become reconciled.

Among the Batutsi the dowry consists of cows. Formerly, well-to-do people gave eight cows, hence the word umunani (lit., eight, implying, heads of cattle). Today, these cows, of which there are only two but which have kept the name of umunani, are brought to the girl's father during the engagement and kept by him in trust. One of them is for the gukwa (1), the other for the gutebutsa (2). On the day of the wedding, the girl's father keeps for himself the cow that has given him the most calves, or the finest heifer, and returns the other to the young man's father.

1. Literally, "to take the necessary steps to conclude the engagement."

2. Literally, "to hasten" (implying, the marriage).

In Buganza, Buliza, Nduga, and Bugessera, where cattle is plentiful, the Bahutu also give a cow as dowry. Elsewhere it consists of hoes, usually four, and about thirty jugs of beer. It may also happen that an imbata (3) or an ingabane (4) is claimed in addition

3. Cf. Property, Ownership of Cattle, p. 40.

4. Cf. idem, p. 42.

by the Muhutu father-in-law.

Among the Bakiga (region of Rukiga) the dowry is paid in goats (ibuguma) or in sheep (iliza). One of the wife's relatives with large hands seizes a leg of each animal, holds them together and tries to [24] assemble as many as possible. He repeats this operation twice and thus manages to collect about 20 animals. In Rukiga the dowry also sometimes consists of indundu and ingwate cows (1).

1. Cf. Property, Ownership of Cattle, p. 49.

The Batwa give only one hoe and a pot of beer on the day of the engagement and four hoes as dowry.

The custom of re-using the dowry — that is, the father of a son and a daughter does not pay the dowry for the marriage of his son until after having received the dowry for his daughter — does not exist in Ruanda.

The Batutsi do not give any present to the mother-in-law. Among the Bahutu, on the day of the wedding, before the girl leaves her father's house, the young man sends his betrothed's mother a jug of beer called irizeneko (lit., quartering) to recall the suffering she endured in giving birth to her daughter.

If the dowry has been paid in cows, the father-in-law on the day of the wedding gives his son-in-law an indongoranyo cow (2).

2. Cf. idem, p. 44.

If it consists of hoes, the husband also receives a hoe as indongoranyo.

5. Betrothal and Marriage

584 If the young man has not made his choice, the father draws his attention to such and such a girl whom he would like to have as a daughter-in-law, after having made sure of her father's approval and agreed with him on the date of the official betrothal (gusaba umugeni, lit., to ask a girl in marriage).

On the appointed day he returns to the home of the girl's parents accompanied by one or two clients (3) carrying a new hoe and

3. One of his relatives among the Bahutu.

a jug of hydromel and leading a cow [25] called y'ilembo (lit., in order to enter the rugo). He is let into the rugo. The young man's father and the girl's father, as well as his brothers and brothers-in-law, sit on mats, drink, smoke and talk of this and that. Meanwhile, the mother and the girl keep themselves hidden in a near-by nook and follow the conversation eagerly.

After this preamble which is merely a distraction, the talk turns to the marriage. This often gives rise to a lively discussion during which each of the parties defends his interests. When agreement is finally reached, the father says: "we give you our daughter, but the cow is not fine enough (1); bring us some others." An umugaragu is

1. Even if the animal is magnificent.

then ordered to bring seven other cows to complete the umunani (2)

2. As we have seen above (cf. Dowry) the girl's father nowadays only keeps one out of the two cows for himself.

and to ask the girl's parents for their approval as to the date of the wedding.

[834] Sexual intercourse is strictly forbidden to the betrothed.

The wedding usually takes place at the home of the young 585 man's father (3).

3. The marriage ceremonies have been

585 minutely described by the Rev. Father Schumacher (Anthropos, 1910, pp. 870-906) and the Rev. Father Pagès (Congo, 1922, Vol. I, pp. 645-63 and Vol. II, pp. 42-68). We merely refer the reader to these articles. This matter concerns folklore rather than common law. Hence we are intentionally leaving it out of our report.

584 If, after having accepted the dowry, the girl's father does not keep his promise and refuses to give his daughter or gives her to another, he must immediately return the dowry. But by that very act, he breaks all bonds of friendship with the young man's parents, and in the future no one of the young man's family will marry a girl of the other family. The same is true if the suitor breaks the engagement.

## [26] 6. Domestic Life

591 Marriage in Ruanda is patrilocal, that is to say, the woman leaves her parents to go and live with her husband. If the wedding has taken place in the woman's family, the young couple remain there for some time (gutahira), then go and settle with the husband's family.

585 Among the Batutsi, about two months after the wedding, the wife's parents send their daughter the intwikururano (from gutwikurura, lit., to unveil, to uncover), consisting of beer, sorghum flour, and milk. The purpose of these gifts is to allow the young woman to come out of the retreat imposed on her the day after the wedding and to show herself in public. For his part, the husband's father gives his daughter-in-law a cow called y'itshyali (lit., of the nest). The young couple then leave the dwelling they have occupied provisionally and go and occupy the rugo that has been built for each of them [sic]. A little later they go and spend a night with the wife's parents (gucha mw'ilembo, lit., to cross the threshold, or gusubya amaguru, lit., to return on foot) and also confer gifts on them on this occasion.

592 595 The Batutsi women each occupy her own *rugo* with her children, women servants (*abaja*), and cattle given by the husband. The concubines live one or two together in separate huts inside the *rugo* of a legitimate wife.

Occasionally, the Bahutu wives occupy the same hut, but only for a rather short time.

574 787 The wife is not required to return occasionally to her parents. However, the auguries may decide that childbirth will be more successful in her own family. [27]

7. Rights and Obligations of Husband and Wife

593 According to custom, the husband has the general duty of aiding and assisting his wife (*kukamira umugore*, lit., to milk [a cow] for his wife). He must provide her with clothing and ornaments (1), and nurse her when she is sick. In the same way, a wife who abandoned her husband when he was ill or in trouble would be disgraced.

593 421 563 Separation of property exists between husband and wife. The wife owns her *rugo*, her field, and in addition, among the Batutsi, some *inyarulembo* cattle (2) and some abagaragu that she received from her husband.

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[301] [481] 1. In the past the husband spent a great deal to provide his wife with *ububutega* (rings made of grasses) which she wore by the hundred on her legs. This finery which weighed down the Banyarwanda woman's figure and interfered with walking was considered the height of elegance, for it gave her the gait of cows that are universally admired in Ruanda.

2. Cf. Property, Ownership of Cattle, p. 44.

462 Among the Bahutu the man assumes the heavy work, construction of the rugo, and clearing of the land; the wife, helped by her husband and those children who are old enough, cultivates the fields. Domestic work is also shared: carrying water and wood, milking the cows, and making the beer are the husband's jobs, while the wife cooks, makes the butter, and keeps the rugo and kraal clean.

593 842 In a way marriage emancipates the munyarwanda woman, but only motherhood gives her the rights which make her a privileged person as compared to her sisters of Black Africa. The more children a woman has, the greater the esteem in which she is held (3).

[163] 3. Families with six, seven, eight, and even ten children are numerous in Ruanda; this prolificacy accounts for the fact that the country's population doubles in about twenty-five years.

593 562 The Mututsi wife is truly the nyirarugo (mistress of the house), the nyirabuja (boss). Her husband consults her [28] in matters of interest, asks her advice on the subject of the children's marriages, etc. In addition, among the Batutsi, she directs the servants, supervises the work of the hill people who come to do the customary labor and also the work of the abagaragu. She cannot, however, dismiss a client or make any important decision without the consent of her husband. If she did so and the husband did not interfere, he would be the laughingstock of the neighborhood and he would be called inganzwa (man without character who is dominated by his wife).

The Banyarwanda have an expression to describe a good wife. They say that she "builds for her husband" (kubakira umugabo).

A Muhutu never fails to make use, on the slightest pretext, of his right of marital castigation. A Mututsi, on the contrary, cannot strike his wife without falling from esteem except for a very serious reason.

837 The duty of fidelity exists for both husband and wife. But custom is very tolerant of infractions of conjugal fidelity committed by the man, at least if he belongs to the same social class as the deceived husband.

837 586 The husband's adultery obviously displeases the wife but she nearly always will accept it. However, she sometimes leaves her

837 husband and returns to her parents. The latter will attempt to persuade
586 her to return to her husband, for if she refused they would be obliged
to refund the dowry.

The husband who finds out that his wife has committed adultery (gusambana, lit., to take another man) enjoins her not to do it again. The second time he strikes her. If she continues, he repudiates (gusendwa) her publicly. A repudiated wife is brought into disrepute and finds it difficult to marry again. Sometimes the adulterous wife is sent away at night, out of consideration for the family, so that her offense is not known by everybody. [29]

837 Formerly, if the husband surprised his wife in the act, he
586 would have the man arrested and beaten. Then before witnesses he
684 would repudiate his wife. If the accomplice was a nobleman like
563 himself, he was allowed to leave with the woman. But, usually, if he was married, he would return to his wife who would merely make a jealous scene. When the lover was a Mututsi umugaragu he was deprived of his property and exiled far away. If he was a Muhutu, the husband could demand from the Mwami permission to impale him like a cattle thief, or else he would thrash him soundly and have him driven away from the hill. An accomplice of the Mwami's adulterous wife was always killed. In none of these cases was the woman seriously ill-treated.

684 Our occupation has put a stop to cruel punishments, and at the
586 present time the wife's accomplice is not punished at all. Adultery
177 leads only to pecuniary reparation (itshyiru) by the lover. On the other hand, divorce is pronounced to the husband's benefit and the dowry is refunded to him, at least if there are no children by the marriage.

848 If the adulterous woman is pregnant, she will always claim that
586 the child she is expecting is her husband's. Being in doubt, the husband
837 takes the child (umusambanano) (1) as soon as it is weaned. He also provides for his wife's needs but does not consent to take up again their life in common.

If the husband is sure that the child is the fruit of adultery, he has nothing more to do with his wife, and her parents adopt the child.

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1. General term designating an illegitimate child, including that born of adultery or incest.

837 It may also happen that the accomplice marries the mother of his child. A complaisant husband, or one who, knowing that his wife is unfaithful, keeps her in spite of all, [30] is the object of ricidule by his neighbors and friends, who do not hesitate to call him inganzwa.

837
586 Among the Bahutu, the adulterous wife is beaten by her husband and sent back to her family. If there are no children from the marriage the husband will claim the dowry paid to the wife's parents.

837 Among the Batwa, adultery is hardly important. If a wife is unfaithful her husband forgives her, and if she is pregnant he considers the child his own.

8. Extramarital Relations

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684 Sexual relations have always been strictly forbidden to young Batutsi and Bahutu girls. Violation of this interdiction would bring great misfortune to the families, says the voice of the people. In the past, pregnant girls (ikinyandaro) (1) were often even killed with their children, or else they were led beyond the froniters of Ruanda to a desert island in Lake Kivu where they died of hunger, unless the Banyabungo came to their rescue. Sometimes they were led to Urundi where they had to remain until they gave birth. The child was killed or abandoned to the Barundi.

Today these cruel sanctions no longer exist, but a girl-mother is always considered a disgrace (inshyano) to her parents. The latter, however, usually take in the child.

Nevertheless, the young nobles do not deprive themselves of having sexual relations with the abagaragu girls placed with their fathers as servants. On the other hand, the Mututsi young man caught with a girl of his own caste was punished in the past in the same way as the accomplice of a married woman. [31]

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[574] The great chiefs who possess concubines (insholeke) put them at the disposal of their visiting friends and relatives.

Blood brothers or friends sometimes exchange their wives for a night (guhan'ingo, lit., to exchange the ingo).

1. According to the beliefs of the Banyarwanda, a girl taken by force does not become pregnant.

837 606 607 Up until recent times, the father-in-law and even the brothers-in-law had the right to spend one or several nights with the wife of his son or brother. The father-in-law had the right to claim this right without discussion, while the brothers-in-law had to have the brother's permission. The wife who refused to share her bed with her father-in-law or one of her brothers-in-law could be driven away. The husband even had the right to compel his wife to give her favors to one of his friends.

CHAPTER III. DISSOLUTION OF MARRIAGE

1. Death

765 Two days after a death, the whole clan arrives to assist the widow and orphans in their mourning. The mother and her children shave off their hair, take off their bracelets, and abstain from washing their clothes (*kwirabura*, lit., to become black). One of the brothers of the deceased lights a fire that burns in the *rugo* without cease for two days (*igitshaniro*). When it has gone out, the children and their uncle take the ashes and go in secret to throw them in a marsh.

[834] Mourning lasts for two months during which time the married sons may not have intercourse with their wives.

On the first day of the third month the members of the family return. In the evening they all assemble, swallow [32] great quantities of beer, and sing happily (*kwera*, lit., to become white). The brother of the deceased who took charge of the *igitshaniro*, or in his absence, another brother, must share the bed of the widow (*kweza*). The married sons, in the order of their birth, simulate the sexual act with their wives.

The following day, the widow and the wives of the married sons put milk in the churns and make butter (1). Then all the members of the family rub themselves with chalk, put on white garments, and go

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1. During the mourning they could not touch the churns. A stranger to the family of the deceased came and made the butter.

765 to the watering place. A brother of the deceased goes down in the near-by well, draws out water with a jug, and empties it into the watering trough. Then he passes the jug to the male children, beginning with the eldest, and each one imitates his gesture (2). In

2. During mourning, only the cowherds fill the watering trough.

the evening the guardians milk the cows; then after the mother, with the help of the paternal uncle, has removed the butter from her own churn (gutshyura igisabo, lit., to bring the churns back), the married sons and their wives do the same thing with theirs.

The son then gives a heifer to the uncle and a bull calf to the sister who has removed the cow dung (gukuka) in the kraal.

768 The night is spent in drinking, and the following day the uncle proceeds to choose a new head of the family if the father had not already designated one before dying.

765 If the wife has not had any children or if the marriage has lasted only a short while, her death gives rise to no ceremony and the husband wears mourning for only a week. (3)

3. All these curious ceremonies show the deep sorrow of the deceased's relatives. Above all, their purpose [33] is to prevent misfortune descending on the family of the one who has disappeared (guhumana, lit., to be soiled, to change color, to contract a serious illness).

Although they are extraneous to the common law itself, we have deemed it desirable to make a brief sketch of these ceremonies, in order to show that the whole life of the Banyarwanda is encircled in a close web of prescriptions of a magic nature.

[33] 2. Separation and Divorce

586 It may happen that the husband's and wife's characters are not in harmony, that the wife complains of her husband's stinginess,

586 or that the husband finds his wife to be capricious or disobedient. In such cases the couple can separate for a while (kwahukana). But this separation often makes them think it over; either the husband makes amends and fetches his wife from her parents, giving presents to the latter and to his wife (beer, cloth, or goats), or else the wife, realizing that she was in the wrong to leave her home, returns of her own will.

During the time of separation, the children, except nurslings, remain with the husband.

If an understanding is definitely impossible, divorce (kwahukana rwose, lit., to separate definitely) can be requested by one of the couple.

Causes of divorce in favor of the husband (repudiation) are: repeated adultery; dirtiness; negligence in the care of the household and the supervision of servants; the evil eye (1) that will cause illness

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1. Cf. preceding page, note 1.

of the husband or cattle; and, above all, stubborn disobedience. [842] Sterility may be a cause for divorce, but if the husband is pleased with his wife he will keep her and merely take another who will be able to give him children.

Illness, even when prolonged, is not a cause for divorce. [34] If the marriage has been fruitful, the husband cannot take back the dowry, but keeps the indongoranyo he received from his father-in-law.

If there are no children, the husband who has received the indongoranyo is not authorized to claim the inkwano. He can do so, in the opposite case, but the wife's parents, in order to avoid this obligation, give him another of their daughters.

If the dowry has been paid in full, the children remain with their father, except those that have not been weaned.

The wife can ask for a divorce if the husband does not pay the dowry, does not provide her with cloth and ornaments, continually [761] ill-treats her, or if the children's, dying one after another makes her believe in the malevolent influence of her husband.

If there are children, the husband may keep the indongoranyo. In the opposite case, he takes back the dowry unless he has received the indongoranyo.

586 After they are weaned, the children return to their father, unless the dowry has not been paid in full.

CHAPTER IV. BIRTH AND FILIATION

[843] A pregnant woman continues with her work until the moment
of her delivery. A Muhutu woman may even give birth while working
844 in the fields. This must not be considered the result of her hard lot
but is due to the influence of tradition. Seeing her relatives and
neighbors behaving in this way, she would never imagine that she
might remain inactive while awaiting her child's arrival.

[781] When the event is near, the auguries are consulted to find out the most favorable place for the [35] birth. It might take place at the home of the wife's parents.

846 During the week following the birth, the woman rests; her
husband surrounds her with attention and sees that she lacks nothing,
meat, milk, beer, etc. (guhemba umubyeyi, lit., to reward the
mother). In addition, the wife's parents also bring her presents. About
553 the eighth day the mother begins to go out again on condition that the
292 day is an even one (1). For this occasion, she puts on her finest clothes,
a dress of cowskin (ikanda), or if she is a Mututsi, a leopardskin with
which she covers her shoulders. On her head she puts on a kind of
crown (urugori) made of sorghum straw (2) which she will proudly wear
from then on, for it is the emblem of a mother's dignity. The young
553 mother places herself near the door of the rugo with her husband.
If the child is a boy, the father slips a miniature spear, bow, arrow,
and shield between his fingers so that he will be brave. The

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[805] [777] [461] 1. The week in Ruanda has four work days and one day of rest. Uneven days are considered ill-omened.

2. Among the rich Batutsi, the urugori is trimmed with beads.

553 neighborhood children are then invited to eat a dish consisting of a gruel of sorghum and beans. But before eating they wait for the child to relieve himself, hence the name of this meal, ubunyano (from kunya, to defecate). Then the father recites a few names he would like to give the child, and those present choose one of them. If the parents have already lost a child, in order to turn away the evil spirits, the newborn child is baptized with an objectionable name such as Kangurube (little pig child). The same day the husband is obliged to have intercourse with his wife lest a misfortune happen to the child.

[845] Twins (impanga) are given names that resemble each other, Karengera and Karinganire for example. [36]

851 The rule pater is est quem nuptiae demonstrant is universally
848 applied. Normally, therefore, the husband is the child's father and
[611] filiation is established in the paternal line. Children born after the father's death are considered legitimate if the wife was pregnant at the time of his death.

There is no special word to designate the legitimate child.

However, the rule mentioned above has certain exceptions. If a man marries an ikinyandaro, the child to be born, who is only an umusambanano for the husband, will belong to his natural father. But the husband may claim that the child is his if at the time of the marriage the girl is only a few months pregnant.

It may happen that a girl does not know the name of the man who has taken her (1). The natural child then belongs to the inzu of the girl's father. Today there are many ibyomanzi who, eager for their independence, have left their parents and wander throughout the country. Their children are called abana b'umugore, but they do not belong to the maternal inzu, for the ibyomanzi no longer have any family.

The adulterine child belongs to the husband because of the dowry that has been paid. If the dowry has not been paid, the child is supposed to belong to the family of his mother's father. The incestuous child belongs to the husband. When a child is born to an unmarried

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1. This is especially the case with abajakazi (mistress-servants), who live at the Mwami's Court or with the great chiefs and who are put at the disposal of their master's guests.

848 girl, the girl's father takes over the child.
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In the past, during the wars, the owner of a woman slave [567] sometimes married her. The children of this marriage were considered legitimate and [37] had their fathers' status, even if he already had children from marriage with a munyarwanda wife.

Children born of the master and a woman slave were also considered legitimate.

CHAPTER V. PATERNAL AUTHORITY

593 The patria potestas is exercised by the father. In the past it implied the right of life and death over his children. Today the father does not have such power, but his authority still remains sovereign and extends even over married sons. The latter must in particular, give him cows if he asks for any to increase his herds and to replace animals that are sick or have died.

A bad son can be cursed by his father and driven out of the family and even from the hill (igitshibwa or ikivume, the accursed one). He goes off with empty hands, and his brothers divide his property.

As a counterpart to his authority, the father is obligated to support his children and to establish his sons by paying the dowry.

The children must obey their mother as well as their father.

[604] Simiarly they must be deferential to their paternal uncles and aunts, and to a lesser degree, to their maternal uncles and aunts. Sisters must obey their brothers, and younger brothers, their older ones.

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604 The loss of paternal authority does not exist as such. If the father is unworthy or incapable, the grandfather or paternal uncle has charge of the children. [38]

CHAPTER VI. TUTELAGE AND EMANCIPATION (1)

429 When the father is dead, usually one of his brothers watches over the widow and orphans. In the absence of a paternal uncle, guardianship goes to a maternal uncle.

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1. Cf. also, Inheritance, Guardianship of Children, p. 60.

604 429 The paternal uncle may marry his sister-in-law. He has the same rights over his nephews and the same obligations to them as their father. If the widow marries a stranger (umwinjila), the latter becomes the guardian of the children, but as a rule he has not much authority. And if he does not fulfill his obligations, he may be driven out by the paternal uncle and has to go away empty-handed.

Similarly, if the uncle who is guardian does not fulfill his obligations, the children may complain to their father's patron, or, if they have no cattle, to the hill chief. When they have grown up, they may even drive out the unworthy guardian.

Only through marriage do the sons gain independence unless previously they have freed themselves with violence from the guardian's authority.

593 Nevertheless, even when they are emancipated by marriage, male children are not freed of their obligations to their parents (1).

1. Cf. also, Inheritance, Guardianship of Children, p.60.

[39] CHAPTER VII. MAJORITY AND INTERDICTION

[881] 885 In Ruanda there is no initiation ceremony to mark the entrance of boys into social life any more than there are age classes. But when a young man has become ingaragu, his father then looks upon him as a man; he speaks to him of cattle and crops, allows him to share his meal, and sends him in his place to the patron to pay homage, etc.

732 Lunatics (abasazi), the dumb (ibirazi) and the deaf (ibipfamatwi) move around freely and, except for the first, may marry.

593 The property of a spendthrift (ikarara, lit., half mad, exalted) is managed by his parents.

As for the bad son who is disobedient and insolent, he can be cursed by his father (igitshibwa or ikivume).

561 CHAPTER VIII. TABLE INDICATING THE NAMES USED TO DESIGNATE THE DIFFERENT AGES OF LIFE (1)

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1. The age given in years is obviously

approximate, since the civil status of the natives has not yet been organized in the territories under mandate.

Men	Women
1) Uruhinja, from birth to the first steps	1) Same word
2) Igitambambuga, up to four or five years old	2) Same word up to three years old
3) Inchuke, up to seven years old	3) Same word up to six years old
[40]	
4) Ingimbi, up to ten years old	4) Same word, up to eight years old
5) Umwana ugimbutse, up to fifteen years old	5) Same word up to twelve years old
6) Ingaragu, up to twenty years old	6) Umwangavu, up to fourteen years old
7) Umusole, up to twenty-five years old	7) Inkumi, up to sixteen years old
8) Umusole uhamye, up to thirty years old	8) Inkumi inhamye, up to eighteen years old
9) Igikwerere, up to forty years old	9) Iliza, (lit., before her first child) up to twenty years old
10) Impotole, up to fifty years old	10) Impetule, up to twenty-five years old
11) Ijigija, up to fifty-six years old	11) Same word, up to thirty years old
12) Umusaza, up to sixty years old	12) Ijigija ihamye, up to forty years old
13) Umusaza rukukuri, over sixty years old	13) Umukechuru, up to fifty years old
	14) Umukechuru rukukuri, up to and over sixty years old

[opp. p. 40]

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Type of cattle in Ruanda.

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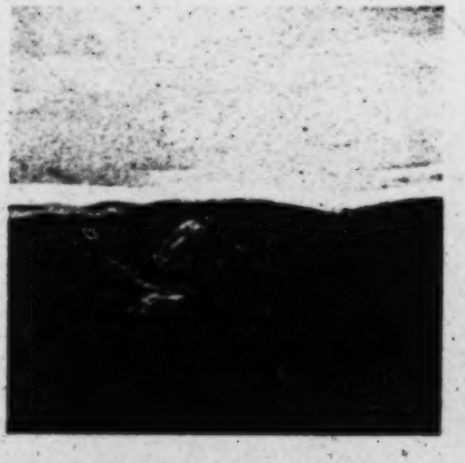

Vicinity of Kigali.
Crops covering the spurs of the hills and the valleys can be seen.

(Photo taken by Author)

[41]

SECTION II. PROPERTY

1. Property in General

421 The Banyarwanda have a less abstract idea of property than we have. It is comparable to that of possession.

On the other hand, no differentiation is made between personal property and real estate. Property is given different names according to its nature and use. The Banyarwanda divide their property [into the following categories]: amatungo (animals); ibintu, a generic name applicable to the rugo, imilima (fields); ubgatsi (pasturage); imyaka (crops); and urutoke (banana plantations); ibiti (trees); intwaro (weapons and cutting instruments); ibikolesho (hoes, pickaxes, baskets, churns); imyambaro (clothing).

2. Landed Property

423 True landed property exists in Ruanda, while in the Belgian Congo the natives consider that the bare ownership of the land belongs to the souls of the departed and that they themselves only have usufruct.

[643] All the land in the country belongs to the Mwami who relin-
guishes its use successively to the various chiefs and subchiefs. These,
423 in turn, cede an isambu (land sold) or concede an umwatano (land
425 leased) to the Bahutu in consideration of a price or a payment con-
427 sisting of a certain percentage of future crops (ichyata umulima, lit., gift in order to have a field).

The Muhutu holds his land in a more or less precarious way. Even if he makes his payments regularly [42] his land may be taken away from him one day, if, for example, he neglects to pay the customary dues to the chiefs and the king. In this case he may be deprived of all or part of his land, but the last crop is not taken from him (1).

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1. An appreciably different administration of property exists in the western part of Bunyambiriri, the extreme north of Ndiza,

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> and in Rukiga (provinces of Mulera and Bugoyi) where the land cleared and cultivated by the Bahutu are subject to a right of family property. This right is sacred and the Batutsi, whose power in these regions is rather nominal, know that they cannot dispute it without exposing themselves to serious miscalculations and even to bloody reprisals.

423 [622] [425] The hill chief also has the right to take a plot of land (ubugerure) from the Bahutu in order to form an ubuka which he wishes to give to someone else or to keep as his own property (imilima y'inyarulembo). The part of the plot that is left to the Muhutu is called isagu.

[428] The Muhutu can transmit his right of exploitation to his son by inheritance. Land that passes from one generation to the next is called indeka.

[596] Land is sometimes held collectively by a family in the person of its head (isambu or ingobyi y'iwabo). Members of the family pay him no rent and, to the exclusion of strangers, have the right to cut firewood and graze their cattle there.

[622] There are also communal woods (itshanya). The hill chief reserves part of them for himself and allows the hill people to exploit the remainder.

[563] The Batwa claim to be the legitimate occupants of the forests. For this reason they often enter into disputes with the Bahutu living near the wooded regions.

[622] Mines and quarries of clay are the property of the chief, but he allows his people to [43] supply themselves there in exchange for a payment (a hoe or some pots).

The boundaries (imbibi) of fields are usually marked by small ditches (impavu) or piles of stones (ibishyinga).

There are no neutral zones between lands.

425 423 An inkungu is a piece of ground that has been abandoned because of the holder's voluntary departure or death without leaving an heir. A man who has been cursed by his father or driven out by the chief because of repeated thefts of cattle, for example, must also abandon his plot. The chief can offer an inkungu (or an ubugerure) to a stranger to the hill who asks to settle there. If he is a Muhutu, he is

423 [425] obliged to submit to the same obligations as his predecessor. If he is a Mututsi, he is not required to pay any ground rent, and the chief gives him a pasture in addition.

Rights of way and of access are not private. The hill people may move about freely on each other's land. This is also true of the cattle for which special paths are made.

622 692 In the case of a dispute in matters of landed property, litigation is taken to the hill chief who goes to the place and, after having heard the witnesses, decides between the plaintifs.

3. Customary Law of Hunting

224 Customary laws of hunting are very numerous. Of these we will quote only a few of the most frequent cases.

A native hunting alone who has killed an ordinary antelope (impongo) takes the meat and skins the animal.

224 622 Hunting with beaters is organized by the chief who decides on the land to be beaten after having taken the advice of the [44] expert Batutsi or Bahutu hunters and following the indications of the trackers. The chief also chooses the beaters from among the least good shots. To stimulate their zeal in this thankless task, he promises them pots of beer if the hunt is successful.

224 The natives are required to take part in the hunt, but they fulfill this obligation willingly as it is a much appreciated entertainment and also a source of profit.

Whoever first wounds an animal during a battue or beat, is presumed to have killed it. He is entitled to the skin and one rear leg. The meat is divided among all the Batutsi and Bahutu hunters. The hunter who has killed several antelopes may keep the skin of one animal.

224 643 Whoever finds an animal that has been killed must return it to the hunters. At least theoretically, game belongs to the king and skins of any value (1) must be turned over to him, especially those of

281 1. Skins of marsh antelopes are much appreciated by the Batutsi because of their long silky fur with which they make bed coverings. Skins of the "bush bock" and

281 leopard are used as dance ornaments by the *intore* pages.

224 [643] the otter (*inzibyi* or *igihura*), the marsh antelope (*mpala*), the "bush bock" (*inzole*), the lion, and the leopard, as well as ivory tusks.

[622] If a wild beast such as a lion or leopard has been killed, its skin must be turned over to the chief who in exchange gives the hunters a sterile cow as *ingororano* (2).

2. Cf. Property, Ownership of Cattle, p. 48.

224 622 643 When the hill chief hunts with his people, he keeps some of the skins and gives the others to the provincial chief, who in turn keeps some of them and, if he considers it advantageous to himself, sends the others to the Mwami. If the hill chief has killed a lion or a leopard, the skin must be turned over to the Mwami. If there are two skins they are divided between the king and the provincial chief. The [45] hill chief may keep a leopardskin only if the hunt has been particularly fruitful.

224 The native who has killed three elephants has the sole right to the tusks of the third animal killed.

224 825 Finally, a hunter is forbidden to take any part of a crocodile he has killed. The animal with its paws loaded with stones must be thrown to the bottom of the river, for the Banyarwanda believe that the body of the saurian contains a violent poison and they want to prevent its being used.

224 When an animal is pointed out, the beaters who have gone forward into the thickets where they are almost invisible and the hunters who have followed them must indicate their presence by a low whistle. Hunting accidents are regulated by customary law (1).

1. Cf. Penal Law, p. 98.

4. Ownership of Heavy Cattle

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[643]

a) Generalities.

The Mwami is the owner of all the cattle in Ruanda or at least of all females kept for breeding purposes. The great chiefs (abatware) are charged by the king to watch over his cattle in the different provinces. Also, the sale of heifers cannot take place without his permission.

On the other hand, the holder of sterile cows or bulls may give away or slaughter these animals as he wishes.

[643] In a province the native who has acquired a cow for breeding purposes has usufruct and has no redress if the Mwami takes away the animal he has bought along with its young. The umutware w'umukenke (2) can oppose the removal of cattle from the province.

2. Cf. Government and Administration, Political Division, p. 85.

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Any native who settles in another province must abandon his cattle [46] unless he has the chief's permission to take it with him. When a native leaves his province, leaving his cattle behind, to settle in another, his new chief usually gives him a herd of the same size as the one he has lost. If he escapes from his district carrying off his cattle surreptitiously, his former chief claims the herd. In the past if he was refused he would endeavor to capture a herd of equal value belonging to the deserter's new chief, and an armed clash would invariably result from such a dispute. Today the dispute must be submitted to the Mwami. He eventually orders the new chief to return the cattle, and if the latter is unwilling to do so, he may take from him one or more herds.

Before the European occupation a dissatisfied chief could take all or part of his cattle without previous permission from the Mwami. In this case the chief was "Mwami of his umugaragu."

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The cowherds (abashumba) in the service of the cattle holders are authorized to keep for themselves part of the milk from the animals entrusted to them. They can be discharged in case of negligence.

b) Classification of Cattle According to Color

Amanya, blue-grey
Ibihogo, dark brown
Ibihogo bitose, darker brown
Igaju, light brown
Igaju ly'intukura, yellow-brown

Igisa, café au lait [coffee-colored]
Igitare, white
Ikibamba, black with large white spots
[47]
Ikibayi, grey-brown
Ikijugu, light grey
Isine, white with small brown spots
Itshyasha, with a white spot on its forehead
Ubugondo bw'izagiriza, white with small brown spots
Umukara, black
Umusengo, brown with small white spots
Urwirungu rwumugoroba, black and white
Urwirungu rw'amarwa, pinkish tan

c) Classification of Cattle According to Age

1. MALE CATTLE

Umutavo, newborn
Ingimbuke, a fortnight old
Umushishe, a month old
Incharwatsi, that eats grass for the first time
Umukulira, that goes to pasture for the first time

Inchuke, weaned

Ikimasa ly'umukangara, a little larger than the inchuke
Karasiga inkivyondo, good for paying a fine
Igitobyi, ready to breed
Imfisi umutore, that has bred once
Ubukombe, adult bull
Umutaza, old bull

2. FEMALE CATTLE

Up to being weaned, same name as male cattle
Ishashi ikata, pregnant heifer
Iliza, first calf
Impete, second calf
Impetule, third calf
Ijigija, fourth calf
Ibuguma, cow that still calves but whose calf is too weak and dies
Inshura, old cow that no longer calves

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c) Classification by age (cont'd)

2. FEMALE CATTLE

Isave, cow sterile from birth (thin)
Urubeheri, cow sterile from birth (fat)

d) Classification of Cattle According to Horns

Igaritse, with large spreading horns
Impotore, with horns whose points are slightly twisted
Ingarure, with twisted horns whose points go forward
Inkungu, without horns
[48]
Intenderi, with horns whose points point toward the ground
Inkungu y'indegeri, with small mobile horns
Ikubis'ihembe, with one vertical and one horizontal horn
Itigey'inyuma, with horns whose points point backwards
Itez'akamosd, with crossed horns
Urubindo, with horns whose points point towards the ears
Itegey'ijuru, with large almost vertical horns

e) Classification of Cattle According to Common Law

422 231 [622] [192] IMBATA. Head of cattle received as dowry, as a present, or bought in the market, and whose owner is the true proprietor. But if, in putting himself under the patronage of the hill or provincial chief (1) he receives from either of them one or several cows called inkazibiti or ingabane, according to whether he is a Muhutu or a Mututsi, all the imbata cows can be taken away from him with the others, should he lose his status as a client, by an arbitrary decision of his patron.

422 231 427 If a Muhutu receives from a Mututsi some heads of cattle in virtue of the contract called ubugaragu (lease of livestock) (1).

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1. See further on, Obligations and Contracts, p. 63.

1. See further on, Obligations and

Contracts, p.63.

231 422 427 and if after a few years by selling the young bulls, the skins, the horns, the milk, and the butter, he has made enough money to buy a head of cattle, the latter is not an imbata, but an impahano (2).

2. Cf. Property, Ownership of Cattle, p. 43.

422 583 192 231 If a Muhutu, the umugaragu of a Mututsi, marries his daughter and receives a milch cow as dowry, the latter is not an imbata, but an inkwano, and the shebuja of the son-in-law can take it back. In effect, it is the social position of the Muhutu which entitled him to collect a dowry in cattle. If he had not been a client of a Mututsi, he would have received as dowry only hoes or goats. [49]

231 422 192 INTUNDANO. (1) Cow bought in the market with the salary

1. From kutunda, "to do business."

earned at the mines in exchange for goats or baskets of beans. It is an imbata.

INDUNDU. Cow acquired in immediate full ownership without the condition that the buyer should later make an additional payment. Indundu is opposed to ingwate (2).

2. See further on, p. 46.

[431] INKAZIBITI. Cows given without fee by the patron to a client who has paid homage (guhakwa). To take possession of cows promised by the shebuja is called kujya ku ilembo (lit., to cross the threshold of the rugo). The first cow received under these conditions is called inka y'igiti (3); the second, impetano; the others

3. Literally, "cow of the tree trunk."

do not have a special name. A father can also give some inkazibiti to his wives and sons.

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INGABANE. When a Mututsi who has paid homage to the Mwami receives from him a hill with cattle and abagaragu, the said cattle is called ingabane (4). A herd of ingabane consists of at least 30 heads of cattle, cows, calves, heifers, and young bulls.

A simple Mututsi with no political authority may receive some ingabane and some inkazibiti. But the favor of the Mwami makes him considered an important person. He is the Mwami's umugaragu.

The Bahutu usually receive only inkazibiti.

INDEMANO. (5). a) Cows of the same color and age, given by a father to his son when the latter is about to get married. The whole of the indemano is called iminani.

[50]

b) By a patron to a client of whom he is fond and who is going to get married.

c) By a husband to his wife.

The indemano are also ingabane.

After these various distributions, the cattle remaining to the master make up the ingarigari (reserved cows).

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INGARIGARI. Cows which the master keeps for his own pleasure and personal use without giving any to his wives, sons, or friends, or without leasing them out to any abagaragu.

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INKUKE (1). a) A son, who has received from his father indemano, returns a milch cow (inkuke) to his father which has been taken from among the indemano. When it no longer gives any milk the father sends it back to his son.

4. From kugabana, "to receive."

5. From kulema, "to create," "to form," "to assemble."

1. From gukura, "to take away," "to remove."

425 192 231 b) A Mututsi *umugaragu* is obliged to send the Mwami an *inkuke* from among the *ingabane* he has received. When the cow no longer gives milk, the client must bring other animals.

c) An *umugaragu* can receive some *indemano* from his patron. Usually these are old cows or bull calves which he then exchanges for heifers. When they are full grown, he gives one or several of these *inkuke* to his patron.

d) An *umugaragu* of the Mwami must occasionally send him a milch cow from among the *ingabane* he has received.

INDWANYI. Full-grown bull given annually to the Mwami by each provincial chief, for sacrifice to the spirits of the departed or slaughtered for the use of the king, his *Batwa*, or his foreign guests: Bahima, Barundi, Baganda, etc.

[51]

IBINIHA. Sterile cow given under the same conditions and meant for the same use.

[787] *INTORWA*. Bull calves or young rams to be used for consulting the auguries or for the cult of ancestors.

YO KUBIKA. Cow brought to the Mwami by the successor of a provincial chief who comes to announce the death of his father.

IY'UBUNTU (1). Cow given as a present. It belongs in full ownership to the one who receives it, who is held under no obligation to the donor. *Ubuntu* cows are not *ingabane*; they are *imbata* when they are placed among the *imbata* that are already in the *rugo*, and keep the name of *inka y'ubunta*, without possessing any of its privileges, in all other cases [sic].

INYITURANO. Cow given in return by the one who has received an *ubuntu*. When a man who has bestowed *ubuntu* on certain of his friends dies, his children can claim an *inyiturano* cow from each of them.

IMPAHANO (2). Cows bought under the same conditions as the *intundano* and received as a gift or dowry. They have the same character, but if their owner attaches himself to a patron they become *ipso facto* cows of an *umugaragu*.

1. From *ubuntu*, "generosity." *Ineza*, "good will," is also said.

2. From *guhaha*, "to fetch, to procure."

425 INYARULEMBO. Cows which continue to belong to a
231 Mututsi shepherd, but which may be at the home of one of his wives
192 or of an umugaragu. They remain near the master's dwelling, for
they are to provide the milk needed for him and his family.
Indemano given by a [52] cattle owner are called inyarulembo. Cows
bought by a Mututsi umugaragu (intundano) are also called inyarulembo.
On the other hand, those acquired by a Mututsi who has entered into
a clientele contract become ingabane.

583 INKWANO. Milch cow given or received as dowry for the
231 marriage of a daughter or sister. It becomes imbata.
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INDONGORANYO (1). Head of cattle given to the young couple by the wife's parents, and sometimes by the husband's parents. Among the chiefs, the indongoranyo is given immediately after the marriage as a sign of friendship. Among the other Batutsi, the indongoranyo is given to the young woman by her father when she visits her parents after the birth of her first child.

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1. From kurongoranya, "to help set up housekeeping."

IY'URUGORI (2). Milch cow or heifer which a young mother receives from her father or her father-in-law, unless she has already had an indongoranyo bestowed on her. If the marriage is broken, the urugori is not claimed from the wife's family.

[301] 2. From the name of the sorghum-straw band worn by Banyarwanda mothers on their heads.

[600] IY'ICHYARI. The daughter-in-law is not allowed to see her father-in-law during the first days of marriage. When he lifts the interdiction, the father-in-law can give an ichyari to the young couple. Among the Bahutu, a sheep or a goat is given instead of a cow.

431 IY'IGISAGE. Cow given by a father to his son when the
192 latter reaches the age of six or seven years old. At that moment,
231 the hairdress he has worn until then (igisage) is changed to one called
302 amasunzu (3). The Muhutu child receives at the same age two or
three banana trees.

3. Hair dressed in the shape of a coxcomb or a crescent.

000 three banana trees.

192 [53] INKAMWA. When the father of a family dies, one of
764 his sons or grandsons is chosen to put between his hands a jug of
231 milk. The cow that has given this milk is called inkamwa. It is given to the one who has placed the jug of milk between the hands of the deceased and is not included in the division of the inheritance.

This cow cannot be sold or killed. Its young are not subject to this interdiction. If it dies, it is eaten by the Bahutu in the owner's rugo, and its bones are buried there.

Among the Bahutu a sheep is used as the inkamwa.

IY'UMUGANGU. When the father of a family dies, the eldest son slaughters a bull calf, which is eaten by the family. The skin is worn by the eldest son for two months so that the cows will not die like their master.

192 IY'UMULIRO and INSHUMBUSHANYO. 1) If lightning has
231 destroyed the herd (or even one animal) held by the umugaragu, the
731 latter can obtain from his shebuja the umuliro (lit., the fire cow), either a cow or a bull calf.

When several cows are given by the patron to indemnify his client, the first one is called umuliro, the others inshumbushanyo.

425 2) If the patron deprives his client of his whole herd to punish him
231 for not performing one of his obligations, the umugaragu begs the protection of another shebuja who gives his new dependent a cow and a bull calf or only a bull calf.

192 IMPONOKE. When the herd of the patron, the provincial chief,
731 or the king is decimated by cattle plague (muryamo), the abagaragu
231 give some cows to fill the gaps caused by the epizootic disease.

[54] INDORANO (1). At the death of the king's child, wife, brother, and also in the case of death in a great chief's family, the provincial chiefs and the hill chiefs, if they are directly subject to the Mwami, each bring two cows to the Mwami, and only one in the other event. A cow is also given by the abagaragu. The cow given to a friend on the occasion of deep mourning is also called indorano.

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766 1. From kurora, "to see."

192 231 431 IMPONGANO. A cow given to appease the anger of the king or one of the provincial chiefs.

2) A cow given to a friend of the Mwami to thank him for his intervention with the king.

IZIMANO. The first time a great provincial chief goes to visit another, the host gives his guest a milch cow.

Similarly, if the king or a provincial chief visits one of their abagaragu, he is given a calf.

INJISHYWA. A cow that accompanies a noble Mututsi when he visits a provincial chief or the Mwami on business or to pay homage. It is meant to provide him with the milk necessary for food.

427 192 231 INDAGIZO. (2). A cow which the depositor (uwaragije) entrusts to someone who owns a better pasture than his, but the trustee (uwaragiywe) does not become umugaragu. The latter must return the cow when it has calved, but he has the right to the milk for two months if the cow is young, and for a fortnight if it is not. If the calf dies, the trustee has the right to the milk one day out of four.

2. From kulagiza, "to give on trust in order to pasture."

[55]

231 192 INTAHIRA (1). This is the best of the cows held by an umugaragu. He always makes it walk at the head of the herd. The holder can take its milk (intagemura, lit., to keep the milk for one's self), but the calves must return to the owner.

1. From gutahira, "to come in front," "to precede," "to lead."

192 231 437 INGWATE. Primus, who owns a bull calf (inguzwa) or a sterile cow (also inguzwa), asks Secundus, who has a heifer (ingwate), if he is willing to exchange on the following conditions:

a) If the heifer has a female calf (umukangara), Primus will keep it and its mother for a length of time to be agreed upon, usually two years. Secundus will then take back the cow and its calf and in addition will keep the inguzwa.

192 437 231 b) If the heifer has a male calf, Secundus takes it at once and Primus keeps the mother for two years. The milk is divided between the two contracting parties as follows: Secundus has the right to the milk for four days, Primus for two days, and the shepherd one day a week.

c) If the heifer dies before having a calf, Primus takes the skin and Secundus keeps the inguzwa. To avoid leaving the heifer with Primus for two years, Secundus gives the other contracting party a pregnant cow (ingenzura) and takes back the ingwate and its young (female or male calf). There are then two possibilities:

a) The ingenzura bears a female calf; Primus claims it.

1) Secundus accepts and takes back the ingenzura.

2) Secundus refuses. Primus keeps the ingenzura and its calf, and does not give any of the milk until another cow is given him. [56]

b) The ingenzura gives birth to a male calf.

1) Secundus agrees to give Primus an umukangara and takes back the cow and its calf.

2) Secundus refuses. Primus keeps the ingenzura and its calf. He will return the calf only after it is weaned. He waits for the cow to have a female calf.

IGICHANIRO (1). Primus who wishes to have a bull calf gives all his cows as a pledge (kugwatiriza) to Secundus, yet keeps them at his home. After two years, Primus gives a female calf to Secundus. If he refuses, Secundus would have the right to take a milch cow (gukubitira).

If the contract concerns goats, the fact that Secundus pays himself if Primus refuses is called gufatira.

192 431 231 INDABUKIRANO (2). 1) At the accession of the king, his abagaragu and all the provincial chiefs must each give one or two cows in homage to the king.

2) When an umutware w'intebe, an ichibiri, or an igisonga (3)

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1. The igichaniro is, strictly speaking, the fire lit in the kraal to protect the cows from the cold.

2. From kurabukira, "to offer an accession gift to the king."

3. Cf. Government and Administration, Political Divisions, p. 85.

192 is appointed, the owners of several heads of cattle must present him with
431 a cow. The abagaragu can, but are not obliged to, do likewise.
231 3) When the king or an umutware dismisses or despoils a chief, the abagaragu of the new chief can also each give him an indabukirano.

The Bahutu give goats, sheep, and hoes. [57]

192 INTORE. 1) Like the king, certain great chiefs possess a corps of
231 intore (dancing pages) (1) (2). A rich Mututsi's child who goes to a
695 provincial chief to become a page brings him a y'intore cow, which is given to the umutware y'intore (commander of the pages), who thus becomes in a way the shebuja of the child's father. The latter however is not held by any bond like an ordinary client.

192 2) Also called intore are the cows given compulsorily by the
231 abagaragu to a noble Mututsi who succeeds his father as head of the
651 family.

3) Tax paid in cows.

192 INGORORANO (3). Cow given to reward a warrior for his courage
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431 or for a service rendered. Whoever has cared well for the master's cows (inyarulembo) or ingarigari) or who has cultivated his fjelds well may receive a cow. To reward the umutware w'intore for his instruction, the father of a page also gives an ingororano.

192 UMUHETO. A cow taken with a bow and arrow (umuheto). This
231 used to be war booty. In the past this name was also given to the tax paid
727 by warriors.
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IMIGOGORO (4). A cow sent every day to the white people to
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1. From gutora, "to take," or gutorana, "to levy," "to choose."

2. Cf. Government and Administration, The Intore, p. 78.

3. From kugurorera, "to gratify."

4. From mogogoro, "fatigue," "annoyance," "imposition." Before the Belgian occupation these cows were called imbyukuruke (lit., parade).

192 234 574 supply them with milk. In Kinyaga (Shangugu) and in Bugoyi, it is called umuheto. In Ndorwa it is called kibere. [58]

IMBYUKURUKE. A choice cow destined to be shown to a visiting high personage and to provide him with milk during his stay.

192 431 231 IBIHEMBO. Gift of cows to the wife of the king, a great chief, or a patron when she has a child.

The gift made by the Bahutu consisting simply of milk or beer is called y'ibihembo.

192 231 426 INTIZO (1). 1) A man who has been despoiled by his chief receives a cow from a friend as a loan (intizo) until justice is done. The friend may perhaps only give him milk (intizo), because by sending a cow he would ostensibly show his friendship and would thus risk incurring the wrath of the chief.

1. From gutiza, "to lend."

192 231 2) A cattle owner must give at least one milch cow to his cowherd (umushumba) who does not have time to cultivate for himself.

[465] 3) A Muhutu who cultivates the fields of a Mututsi receives milk (intizo) from him morning and evening.

4) A cow is given to two farmers who share the milk and the payments required in exchange (2).

2. Milking a cow is equal to the salary for one day of cultivation.

[681 431] IMPONGANO. A cow given in reparation for an offense or as a present to the one (inshuti) whose intervention may help to win the lawsuit.

[696] INGURANO. A redemption cow given by a patron or the head of a family to keep the guilty one from being condemned. [59]

192 437 231 INKUNGURANYO (1). Primus, owner of a heifer approaches Secundus to ask him to exchange the cow for a female calf or for two bulls. They must not give anything in addition in order to have an absolute right over the exchanged object, but neither of them has the right to take back the exchanged value.

1. From gukunguranya, "to exchange two cows of equal value definitely and irrevocably."

5. Small Domestic Animals

422 The Mwami has a rather theoretical right of ownership
231 of small livestock which are considered valueless by the large stockbreeders.

Consequently, the Bahutu can sell or keep for their own consumption goats and sheep.

[235] Poultry also belongs to the Bahutu who are required to provide, without remuneration, the chicks needed for divinatory sacrifices. Hens and eggs are not eaten by natives and therefore, except in the neighborhood of European posts, have no commercial value.

Small livestock as well as poultry are the exclusive property of men.

[224] The Banyarwanda are very fond of their hunting dogs. The Batutsi will pay as much as one or two cows for a dog that is known for its hunting qualities.

6. Other Personal Property and Real Estate

423 Among the Batutsi, the husband and each of his wives live in their individual rugo, but all these dwellings belong to the husband. In the same way, among the Bahutu, the hut and its annexes belong to the husband.

422 Work tools belong to the husband. The wife and children may not lend them without his permission, except for a short time.

[60] Household utensils given the wife by her husband remain his property. But the ibirongoranywa (1), that is to say, the objects, utensils, and clothing, given by the father to his daughter at the time of her marriage, often equal to the value of several cows, or even consisting of cows, belong to the wife. She may dispose of them as she chooses, except in the case of cows.

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1. Cf. note 1, p. 44.

SECTION III. INHERITANCE

1. Basis of the Law of Inheritance

428 The principles regulating the laws of inheritance are:

1) Wives and daughters are excluded from inheritance for they can neither bequeath nor inherit valuables.

2) In principle, the inheritance remains in the male paternal line (2);

2. A boy may also inherit from his mother's family but only if the deceased, a relative of his mother, has expressed his wish before dying and also, of course, if he has no natural heirs. It may also happen that a stranger inherits from the deceased, if the latter has no heirs.

3) The new head of the family is normally, but not necessarily, the eldest of the sons, with no distinction made between mothers.

2. Designation of the New Head of the Family

[765] 596 428 The period of mourning (kwirabura, lit., to become black) and the purification ceremonies (kwera, lit., to become white) being over, that is, two months after the death (3), the [61] designation of the new head of the family (umutware w'urugo rwa se, lit., the head of his father's rugo) takes place.

3. The time is reduced to a few days if the couple have not had any children.

If the father has died without having been able to make his wishes known, this choice is made by the chief of the umulyango who asks beforehand the advice of the elders. It matters little whether the sons are of different mothers (polygyny, or successive marriages), whether they are legitimate, born of a concubine, or adulterine. Only the qualities required of a future head of the family are taken into consideration.

[763] 596 428 Usually, feeling his end to be near, the father calls the chief of the umulyango and two friends. He dictates to them his last wishes. The wives of a polygamous man do not hesitate to intrigue in favor of their sons and attempt to circumvent their husband -- or even his brother -- using both their charms and their most subtle arguments. The situation is the same in the case of successive marriages.

It is easily understood that often the other sons, especially if they are of different mothers, feel themselves wronged, rightly or wrongly. [691] But they are given the opportunity of demanding justice from the Mwami, the provincial chief, or the hill chief, according to whether they are sons of umutware w'intebe, of igisonga, or simple Batutsi or Bahutu. These authorities will ratify the choice made by the father or the uncle, or else will decide what other young man will succeed his father.

If there is no male descendant, the high position of head of the family falls on the oldest brother of the deceased. In this case, the heir will be both head of his rugo and of his brother's.

[614] He may also be, at the same time, chief of the umulyango, that is to say, of the clan. This is the umutware w'umulyango (or the umutware rwa bo).

If all the brothers have disappeared, their sons inherit by right of primogeniture. [62]

If the deceased has neither sons, nor brothers, nor nephews in his line, his father will succeed him, or in his absence, the father's brother or one of his male descendants by right of primogeniture.

The Bahutu and the Batwa have their own umutware w'urugo. But they are dependent on the same umulyango chief as the Batutsi.

3. Composition of the Inheritance

428 In addition to the high position of head of the family, the inheritance includes:

1) The heavy cattle
2) The clients (abagaragu)
3) Particularly among the Bahutu, the goats and sheep
4) Landed property (1)
5) Movables, personal property (1)

1. Cf. Property, Property in General, p. 34.

428 Gifts (kugabira, to make a donation) made by the father to one of his sons, called inkazibiti, if they consist of cows, remain the property of the receiver, except in the case of unworthiness such as marked disrespect, repeated disobedience, etc. (kunyaga, to take back).

The active as well as the passive obligations are passed on to the
[672] heirs. If they are unable to pay a debt, the descendants of the deceased
[426] in direct line -- and only they -- are required to work one or two days
a week for the benefit of the creditor's heirs, whether sons or even
brothers, until the debt is completely wiped out.

4. Transmission of Property

The property is assigned to the heirs two months after death among the Batutsi, one month after among the Bahutu. However, the tools and objects may be used immediately. [63]

The son who is cursed by his father (igitshibwa or ikivume) must make restitution for everything he has received from him (inkazibiti, indemano); he is obliged to go far away all alone, without his wife or his children, abandoning all his belongings.

To clarify the mechanism of the transmission of property, we will choose four types of inheritance that commonly arise and make a diagram of the four cases.

Case 1. Inheritance of a Rich Mututsi(Provincial Chief or Umugaragu of the Mwami)

Nyirimigabo, chief of a province, dies, leaving five sons born of two wives. These are:

Bihutu, son of Mujijima, married
Nyagatoma, son of Mujijima, married
Nturo, son of Nyirampunga, not yet married
Rusagara, son of Mujijima, still a child
Mahira, son of Mujijima, still a child

On the death of his father, Nturo, the third son, becomes head of the urugo rwa se.

428 The property will be divided as follows (1):

> 1. For the definition of the different names designating the inherited property which consists of cattle, cf. Property, Ownership of Cattle, pp. 40-50.

COWS. Nturo, not yet married, receives:

1) The *ingarigari* of his father, 2,000 heads, for example.

2) The *indabukirano* given by the *abagaragu* (simple option).

3) The *intore* given by the same (obligation).

4) The *indabukirano* given by his brothers, Bihutu and [64] Nyagatom, by Mujijima in the name of Rusagara and Mahira who are still children, and by his father's friends (option).

5) Part of the *inyarulembo* of his mother Nyirampunga.

6) In addition, his *abagaragu* and his friends may each bring him an *indoramo* cow.

Bihutu, the eldest, receives nothing. But, having married while his father was alive, he received from the latter at the time he was established the *iminani*, a herd of *indemano* cows.

Nyagatoma receives some *indemano* which Nturo withdraws from his *inyarulembo* (twenty-five, for example). In this way, as he is about to take a wife, he will be able to establish himself. His father [sic] gives him in addition a few *inkazibiti* (four or five).

Rusagara receives some *inkazibiti* from Nturo. Being still young he remains with his mother Mujijima, who will later give him some *indemano* taken from the *inyarulembo* she received from her husband.

Mahiri, like his brother Rusagara, continues to live with his mother. Nturo also gives him some *inkazibiti*, and later he will give him some *indemano*, for his mother will presumably not have enough *inyarulembo* to give him any.

The *inyarulembo* of Mujijima stay with her; she reserves some of them to give to Rusagara as *indemano*, and she keeps the others. The *inyarulembo* of Nyirampunga are taken by Nturo, who leaves a certain number of them to his mother.

When one of his married sisters comes to announce the birth of a child, Nturo gives her either a *y'urugori* or a *y'ibihembo* cow.

428 CLIENTS. The abagaragu whom Nyirimigabo had acquired by giving them some inkazibiti are all left to Nturo. [65] They are given the same as a herd of indemano cows, that is iminani.

The brothers of Nturo, as soon as they are provided with cows, also find for themselves some abagaragu.

The cowherds (abashumba) who look after the cows of the deceased's wives have the same fate as the inyarulembo of the wives: those of Mujijima remain with her cows, until some of them accompany the cows given as indemano to Rusagara and Mahira.

FIELDS, BANANA PLANTATIONS. As head of the family, Nturo can choose the fields wherever he wants on one of his father's hills.

Bihutu and Nyagatoma, who had received a field at the same time as their umanane, no longer have the right to ask for more.

Rusugora and Mahira will receive a field from their mother or from Nturo.

PASTURES. Rules regulating the assignment of fields apply to that of pastures.

RUGO. Each wife of the deceased continues to live in her own rugo, which is surrounded by banana plants, some land for cultivation, and a pasture.

WEAPONS, TOOLS, ETC. They belong by right to the head of the family.

CLOTHING. The same applies to these, but the head of the family usually distributes them to the servants.

Case II. Inheritance of an Average Mututsi (Hill Chief)

Gakire, son of Kanziga, married while his father Gafuku was living, received thirty indemano and three inkazibiti. Kagabo, son of Ligoga, also married, received from his father twenty-five indemano and three inkazibiti. [66]

Kinyogote, son of Ligoga, still a child, received from his father two inkazibiti.

Kanziga and Ligoga each received twenty inyarulembo from their husband.

At his death Gafuku owns an ingarigari of eighty animals.

COWS. Gakire, made head of the family, takes:

1) The eighty ingarigari.

428 2) The *indabukiramo* given by his brothers and the clients, as well as the *intore* given by the *abagaragu*.

3) Part of his mother Kanziga's *inyarulembo*.

Kagabo can receive nothing.

Kinyogote remains with his mother. When he is old enough to be married, he will receive from Gakire twenty cows of which the latter will take ten from his *inyarulembo*, five others from Kanziga's *inyarulembo*, and five from Kagabo's *indemano*. In addition, Kinyogote will receive five *inyarulembo* from his mother Ligoga. In this way he will have twenty-five *indemano*.

CLIENTS. Kanziga's servants remain in her own *rugo*. Those of Kanziga belong to Gakire who leaves a certain number of them to his mother. Gafuku's clients are also passed on to the new head of the family.

FIELDS AND PASTURES. Gakire chooses new fields for himself on the hill.

Kagabo receives nothing.

Kinyogote will remain with his mother until his marriage, when Gakire and Kagabo will each give him a field and a pasture. [67]

RUGO. Each widow remains in her *rugo* until her death, her return to her family, or her remarriage.

WEAPONS, TOOLS, CLOTHING. Their distribution is the same as in Case II [sic].

Case III. Inheritance of a Simple Mututsi

Gakuba, a humble man although a Mututsi, had four children from his marriage with Kampororo.

Karekezi, who married during his father's lifetime, received from him two *inkazibiti* cows. Gakuba is too poor to give his sons enough cows to merit the name *iminani*. Besides Karekezi has received a real *inka y'igiti*.

Kambanda, who is also married, has also received two cows of which one is a real *inka y'igiti*.

Gapyisi and Kayibanda were still small children when their father died and have received nothing from him.

When he died Gabuka left twenty *inyarulembo* cows.

428 COWS. They are divided as follows:

Kambanda, appointed head of the family, receives seven cows and in addition one as itako ry'umutware (1) (lit., chief's thigh).

1. In order to provide for the needs of his brothers and sisters.

Each of the other sons receives an equal number of cows (four). It may happen that some cows are not distributed. If there is only one, it belongs jointly to all the sons. If there are two, each of them belongs to two of the sons.

CLIENTS. There are hardly more than two or three and they go to the head of the family. [68]

FIELDS AND PASTURES. The two oldest received a field and a pasture at the time of their marriages. Of the land owned by the father when he died, Kambanda will take two thirds, and the remaining third will be divided later among the younger sons.

URUGO. It continues to be occupied by the mother.

WEAPONS, TOOLS. Are Kambanda's share.

Case IV. Inheritance of a Muhutu

Kimonyo dies, leaving five sons born of three wives:

Tabaro, son of Nyiramgunzu, married during his father's lifetime and having received a field from him
Fuku, son of Nyirambeba
Shumbushu, son of Nyiramgunzu
Karifuni, son of Nyirambeba
Nzabandora, son of Nyiramatama

FIELDS AND TREES. Shumbushu, appointed head of the family, remains with his mother. He receives as itako ry'umutware, in bare ownership, a large part of Nyiramgunzu's banana plantation, the remainder being divided in equal parts between him and his brother Tabaro (also in bare ownership).

Fuku and Karifuni will also each receive half of their mother's field and banana plantation.

428 Nzabandora is assigned Nyiramatama's field and banana plantation.

However, Shumbushu has the right to collect an itako on his brothers' property.

COWS, PASTURES. Usually the Muhutu does not own any pasture and, for even if he has one or two cows, they are inkazibiti and rarely imbata. These animals [69] belong jointly to the sons of the deceased, who go and ask a well-to-do Mututsi for permission to continue taking their animals to pasture on his land.

SMALL LIVESTOCK. The flock of goats and sheep is divided among the sons. The head of the family in addition takes the itako.

RUGO, CROPS. Each of the wives remains in her rugo and disposes of the surrounding crops.

WEAPONS, TOOLS. Are taken by the head of the family.

Inheritance of a Mutwa

The inheritance of a Mutwa amounts to very little, a few goats and sheep, some tools and utensils. He may however own a small field (ingobyi y'urugo), or sometimes even a fairly large tract of land (igikingi), usually received for choreographic skill.

5. The Fate of Widows

587 When the time of the kwirabura and kwera has expired, the widow (umupfakazi) may remarry.

If she accepts as her new spouse a member of her husband's family, such as the head of the family (except for her own son) (1), one of her brothers-in-law (her husband's brothers), or her father-in-law, then the wife remains in the rugo where her new husband will visit her. No dowry (inkwano) is paid for a widow who remarries, and the wedding takes place without the customary ceremonies.

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1. The son who is head of the family may take as wife one or several of his father's widows if they do not belong to his mother's family. An uncle may not marry his niece.

768 If the woman[1] refuses all offers of marriage in order to devote herself to the education of her children, she will be allowed [70] nevertheless to remain in her rugo. She keeps the inyarulembo cows, her servants, the field and the pasture she had received from her husband with the right to reap the benefits thereof. This property does not constitute a dowry for her but is kept by her provisionally. Actually she merely manages it in the interest of those of her sons who are minors and who stay with her. In this way she may continue to live in the same manner as in her husband's lifetime, with no fear of poverty. Furthermore, even when her sons take part of this property in order to establish themselves, they do not cease to show a tender solicitude for their mother and to provide for her needs.

If the widow wishes to return to her family, she must then abandon the rugo and its contents, except for her personal belongings. Her children must be left to the father's family as soon as they are weaned, that is to say, when they are about four or five years old -- unless the dowry has not been paid in full.

587 It may happen that a widow with children marries a stranger to the deceased's family. In principle, she is not forbidden to live in her rugo with her new husband. But these marriages, which are not well looked upon, are usually precarious. At the slightest difficulty, the deceased's relatives intervene, and the second husband is driven out without being able to carry anything away and is even obliged to abandon the children he has had with the woman.

768 As to the childless widow, she must return to her family unless she agrees to marry a member of the deceased's family.

[1] [i.e., a widow.—Analyst]

6. Situation of the Widower

Usually the death of a wife does not bring to an end the relations of the widower with his family-in-law, especially if there are children born of the marriage. [71]

The parents-in-law have the option of giving their son-in-law one indorano cow (1) and sometimes even two.

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1. The Bahutu give jugs of beer as indorano.

587 If the widower is left with very young children, the parents-in-law usually suggest to their son-in-law that he take one of their other daughters as a wife (2) so that the children do not have a stranger as stepmother. Far from claiming another dowry for her, they offer on the contrary an indongoranyo cow (3) which normally, however, is the counterpart of the dowry paid.

A widower without children may claim restitution of the dowry. He usually does not do so because he knows that his parents-in-law, to avoid returning the dowry, will find him a new wife among their own daughters or those of their kin.

7. Guardianship of Children (4)

The widowed mother who does not remarry outside the family continues to live in her rugo where she brings up her children until their marriage, which emancipates them, at least so far as the boys are concerned.

The son who is named head of the family actually replaces his father, provided he is old enough to do so. He has the same rights and obligations as his father, especially that of establishing his brothers (by giving them some indemano) and marrying off his sisters. If later one of his sisters happens to be repudiated, she takes refuge with her mother or her brother, who finds her a new husband.

If all the boys are minors, the paternal grandfather or, in his absence, the paternal uncle who seems the best [72] qualified is

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[765] 2. The widower may not remarry until after a month of mourning. During this time he does not shave, does not wash his clothes, and may not have intercourse with another woman.

3. A hoe, among the Bahutu.

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768 4. Cf. Personal Status, Tutelage and Emancipation, pp. 31 and 32.

429 768 chosen as guardian. In this capacity he exercises the prerogatives of the paternal authority and manages for his wards the property left by the deceased.

If the male relatives on the paternal side have died, one of the maternal uncles will be guardian. In effect as each of the couple continues to belong to his and her umulyango, the children are members of both families.

429 Emancipation, which occurs normally at the moment of marriage comes when the young man reaches eighteen years of age. But it may happen that the children, having reason to complain of their guardian, go and seek justice, according to their rank, from the hill chief, the provincial chief, or the Mwami. When they are grown they may even emancipate themselves (proprio motu) by driving out their unworthy guardian.

8. Irregular Inheritance

428 While daughters are excluded from inheriting by the law of inheritance, they are always presented with gifts by the new head of the family, at least when he is their brother.

As far as the Bahutu are concerned, the following case may arise: A Muhutu, umugaragu of a rich Mututsi, has a daughter who is a servant to his master and who is married to another servant. When his client dies, instead of taking back the cows, the master can give them to the daughter's husband, who thus becomes his umagaragu.

When a wife dies, the few ornaments she owns (necklaces, bracelets) do not go to her daughter, but to her stepdaughters (her husband's daughters). With the political chief's permission, the mother may also give them to her son who was living with her and who will later on give them to his wife.

428 597 A man who has no sons (inchike) or who has cursed them may adopt a son of his brother (umuhungu wachu) [73], or in his absence, a son of his sister (umwishywa). He promises him his inheritance and his inheritance and his nephew becomes his true son (1).

1. Cf. Personal Status, the Family and the Clan, p. 4.

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A man who has concluded the blood pact (kunywana) (2)

2. Cf. Personal Status, The Blood Pact, p.13.

inherits from his blood brother (umunywanyi) if the latter dies without leaving any male relatives. He may marry the wife of the deceased but not his daughter, who is considered as being his child, and he exercises paternal authority over the orphans.

429 If the deceased is tied to a patron by a lease of livestock and has no brother, the guardianship of the children who are minors belongs to the shebuja (kumuremera). In the opposite case, the shebuja shares it with a paternal or a maternal uncle of the orphans. If the patron has paid his client's dowry, he will take the dowries given for his umugaragu's daughters and will keep them to enable the boys to marry. Thus, in this case, a Mututsi becomes chief of the Muhutu's rugo.

9. Reversion of Property in Escheat

428 As women do not inherit, in the unlikely case of the deceased having no male relatives, his patron takes back the cows that belonged to him and appropriates the small livestock, tools, etc. (inzungu) (3). The fields, banana plantations, and pastures left

3. From guzungura, " to inherit without being a relative."

under the same conditions (inkungu) (1) go to the political chief who

1. Cf. Personal Status, the Family and the Clan, p. 4.

assigns them to another man. But widows are authorized to live in their own rugo.

If the deceased is not tied by an ubugaragu contract, all his property goes to the political chief who disposes of it as he sees fit.

[74] SECTION IV. OBLIGATIONS AND CONTRACTS

566 The typical obligation results from the contract of the so-called ubugaragu by which a man who has paid homage (guhakwa) to a cattle owner obtains from him one or more cows taken from among his inyarulembo (1), (2). They are called inkazibiti if the umugaragu (client) is a Muhutu, or ingabane if he is a Mututsi. The umugaragu has the right only to the usufruct of this cattle and its young, and only for the length of time it pleases his shebuja (patron) to leave it with him.

On the other hand, when a man is tied by the ubugaragu contract, the cows that were his personal property (imbata) become inkazibiti.

The principal advantages derived by the client from the ubugaragu contract are as follows: sale of the milk, butter, meat, and skins; help in case he should become disabled and incapable of providing for his needs; the honor of being named liegeman of such and such a person, instead of being given scornful names such as uriyamuntu, that man; or uriya mugabo, that simple man. That is why one says kugir'uguhatse n'ukugir'izina (to have a chief is to have a name).

Each client is subject to various obligations and payments to his patron for which he can be helped by his sons and even eventually by his abagaragu and their families.
[75]

A. Obligations of the Client.

1) Gufat'igihe (lit., to take the time), that is to say, to pay homage during a period of time whose duration is determined by the chief.

The client must accompany his patron on a journey, for example, when he goes to the Mwami's Court or to visit a great chief.

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1. Cf. Property, Ownership of Cattle, p. 44.

2. The patron is not really tied by a contractual obligation. He merely accepts the client's services.

While they are traveling, the client acts as cook, makes sure that water and wood are collected, and keeps the injishywa (1). The length of time the client must follow his patron depends on the number of cows he holds or hopes to acquire, and also on the number of clients among whom the obligations can be distributed.

When the patron is on his own land, the umugaragu carries the provisions to his storehouse.

2) Kubak'inkike (lit., to build a part of the rugo).

The clients must each build or repair a part of the enclosure surrounding the patron's hut and storehouses by providing the necessary materials.

The obligation to build the hut is shared jointly by all the abagaragu.

3) Kurarira (night watch or evening spent in talk).

The clients must take turns watching over the patron while he is resting and guard his rugo. The sentinels must bring the wood needed to light the watch fire.

4) Gutumwa (to be sent).

Each client must carry messages from his master any distance and accompany his servants who are bearing presents to a relative orrfriend of the patron. The umugaragu may even be a messenger and bearer at the same time if the present is intended [76] for an important person or for one who is particularly dear to the shebuja's heart.

5) The umugaragu must take part in the sowing of the sorghum (ishaka) (1) for two days.

6) Kutanga imibyizi (to cultivate the fields).

The Bahutu clients come and work in the patron's fields for an indefinite period of time, depending both on the number of abagaragu and the number of cattle that have been given them by the shebuja. Nor is the task of each one exactly determined.

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1. Cf. Property, Ownership of Cattle, p. 46.

1. Sorghum is a sacred plant and the sowing calls for a propitiatory ceremony.

7) *Kumutabaraho* (lit., to accompany to war).
This is a general obligation, to follow the master to war, to cut his wood, etc.

8) The client, designated in this case with the name *umwozi* (washer of pots), must watch over the quality of the milk kept in pots, bring it to his master (*kugemera*), and have the pots washed by a servant called *umuhondamonyi*.

9) Except for those that are poor, the *abagaragu* have a custom of honoring their master with presents, pots of beer, for example. The patron as a rule merely tastes the *inzoga* and then distributes it to his *abagaragu*.

10) If the patron loses any of his cattle, the clients must offer him an *inshumbushanyo* cow (2).

2. Cf. Property, Ownership of Cattle, p. 45.

11) Similarly, if the *shebuja* is in mourning, he receives from *umugaragu* an *indorano* (3).

3. Cf. *idem*, p. 45.

[77]

B. Obligations of the Patron

1) If the client has stolen a cow from another proprietor, in order to avoid the punishment of his *umugaragu*, the client intervenes (*kugura*, to buy back) and indemnifies the injured party. If he did not act in this way, he would be held in no esteem.

2) If the client is very poor, the patron gives him a bull calf so that he can eat meat and clothe himself with the skin. He provides him with milk.

3) The patron must assist the client in his palavers (*kulengera*).

4) The patron must help the client who wants to get married pay the dowry. For this he gives him a cow. If the *umugaragu* is important, the *shebuja* authorizes him to choose the *inkwano* cow himself. (1). If he has received only a cow from the patron, the latter

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1. Cf. Property, Ownership of Cattle, p. 44.

566 can authorize him to give it as a dowry. The ties binding him to his patron are thus tightened, for the wife acts as guarantee that the *ubugaragu* contract will be well executed.

If the *umugaragu* commits a serious offense, the *shebuja* can take back the *inkwano* from the father-in-law (*iyo batararongolanya* or *baraikoranura*, lit., to prevent the marriage) for as long as his client has not received the *indongoranyo* (2). When this has been paid, the *shebuja*'s rights are exercised over it.

5) When a client dies, the patron must watch over the fate of his wife and children. If the *umugaragu* has no brother, the *shebuja* becomes the orphans' guardian (*kumuremera*). In the opposite case, a paternal or maternal uncle shares the guardianship with the patron.

If the patron has paid his client's dowry, he takes the dowries given for his client's daughters and keeps them [78] until he turns them over to the boys so that they in turn can get married.

6) In the past the patron had to avenge his client's murder (*kumuhorera*) himself. Accompanied by his *abagaragu* and one of the deceased's sons, he would go and kill the murderer by means of a subterfuge. Pointing to the orphan, he would say to the murderer, "There is the one who kills you"; then he would kill him or else the *shebuja* would go to the Mwami to demand justice.

7) The client may dispose of the milk of the cows given him (*intagemura*) and make butter and cheese from it when the patron's requirements of milk are assured. Similarly, with the permission of the *shebuja*, he may slaughter animals and eat or sell the meat.

8) From time to time, the patron must give a hoe to his Muhutu client.

The patronage contract never comes to an end unless the cows die or if the client proves himself to be unworthy of the confidence placed in him. In this last case the master takes back his cows (*kunyaga*) and their young.

In addition, if the *shebuja* is at the same time the hill or provincial chief or the Mwami, he can deprive the client of his fields and *rugo* and drive him away from the hill. The client can only take with him his stick (*banuh'akabando*, lit., he is given a stick), the

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2 Cf. *idem*, p. 44.

566 most unimportant and useless of things.

Along with the ubuguragu contract and other leases of live-
437 stock such as the ingwate and its variants, the indagizo (1) etc.,

1. Cf. Property, Ownership of Cattle, p. 46.

Ruanda common law has a number of other [79] contracts. We will list in the following which are those in most common use.

Purchase-sale (kugura)

These transactions take place in the markets (amaguriro,
443 plural iguriro), located usually at the crossroads of the thoroughfares.
437 The most frequented are those of Rukiga and Kinyaga. The people
of Buganza and Buliza come there to exchange their cows for salt,
[435] provisions, beer, honey, baskets, etc. In the past, animals and
things on sale were valued in hoes (1).

1. The salt seller wishing to obtain a bull calf would ask how much it was worth in hoes. He would be answered, "Fifty." He would then take a basket of salt valued at one hoe and would give 50 of these to the owner of the bull calf. A current expression was: "It is a three-hoe goat." Today a hoe is worth 8 francs.

Specialized merchants (abatunzi, lit., the rich) also go there
and offer for sale produce and objects they have brought from far
[301] away, for example ubutega (2) made in Urega (country of the Warega).

2. These thin rings of rattan fiber worn
around the legs by the Banyarwanda women
from their ankles to their knees were for-
merly fairly valuable. Three thousand
[435] ubutega were worth a bull calf, and a com-
plete set of the ornaments could be bought
only with the payment of two sterile cows.

Sometimes they combine their resources in order to make large purchases (gufatanya urutundo, lit., to assemble business).

443 Women and children are admitted to the markets without
579 restriction. In the past, people came armed, for they risked being robbed or even killed on the way by highway bandits.

The Lease of Services (kununga).

[465] A man may agree to work for another for 50 days, for example, at the rate of [80] one or two days a week on the condition of receiving the meat of one cow in exchange.

437 Exchange (kuguza) (1)

1. Kuguza, lit., "to agree to give an advance."

A Mututsi asks a Muhutu for a granary of sorghum (ihundo, lit., an ear of sorghum) for example, in exchange for a bull calf or hoes (usually 30).

The Loan (gutiza)

426 The Banyarwanda distinguish the loan for use (commodatum) from the simple loan (or loan for consumption).

If the loan for use, in hoes for example, is granted without interest, the same is not true of the loan for consumption, which involves edible produce. Whoever has received a basket of sorghum or beans must usually return two. The basket of supplementary produce which must be given the lender is called kirenga.

The Guarantee (kuchyungura).

Primus owns a pruning knife which Secundus would like to borrow. Secundus does not know Primus, so he goes to Tertius, a friend of Primus. Tertius tells Primus to lend his pruning knife to Secundus and offers himself as surety if the latter does not return the tool. Tertius may eventually turn against Secundus.

This contract can be made for cows, granaries of sorghum, etc.

Security (ingwate)

Primus wishes to borrow a few baskets of beans from Secundus. But Secundus answers that he cannot give them to him without a guarantee. Primus then offers Secundus a goat, for example (2).

2. A goat is worth three hoes.

When he brings Primus the counterpart of his loan, he takes back the goat.

437 The Commission (kugerekesha) (1)

Primus goes to market to exchange a hoe for some beans. [Thereafter] Secundus asks him, as remuneration, to take thence one of his (Secondus') goats and exchange it for three hoes, for example.

426 The Deposit (kubitsa)

The deposit of goods not consisting of cattle involves no obligation on the part of the depositor to the depositary who agrees to keep the goods deposited with him.

These contracts are made before notables of the hill who act as witnesses. But most often they are made in front of a rugo being built or a watering trough, places where there are always many people, who in case of a dispute will give their testimony.

If one of the contractors does not meet his agreement (2) or is dishonest, the tribunal of the hill chief, on complaint of the injured party, would force him to discharge (3) his debt (4).

The creditor has the option of taking a pledge, a goat for example, to oblige the debtor to pay.

If the latter cannot pay, he is condemned to work to indemnify the plaintif, usually two days out of five (5); but he can be replaced

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1. Kugerekesha, lit., "to add."

2. In the case of absolute necessity, for example a famine or an invasion of grasshoppers, a provisional release from the obligation is allowed if the question is one of furnishing produce, sorghum or beans.

3. Kwishyuza, "to claim payment"; kwishyura, "to pay."

4. Umwenda, "material."

5. Cf. p. 29, note 1.

426 by his son, his daughter, or his daughter-in-law, and possibly an umugaragu. In the past, if a debtor fled in order to avoid his obligations, the creditor had the right to seize his cattle, [82] his banana plantations, and even his hut. However, in this case, the children could keep their father's property on the condition of agreeing to work for the creditor until the debt was fully paid.

Sometimes a patron pays for his client if the latter has only a storehouse of provisions and if he needs the help of his family to work for his shebuja. If the umugaragu dies, his son takes his place. The obligation thus passes to the descendants until it is fulfilled.

On the other hand, the creditor's brother or son can act in the place of their relatives (1).

1. Laws of the Family and of the Clan, p. 8.

574 Hospitality.

The duty of hospitality is sacred to the Banyarwanda. Even a Mututsi will never refuse a Muhutu either ichumbi (lodging) or izimano (wood, water, and food). A proverb says; "Uwubaka wese yubakira abu Mwami (2), and whoever did not grant food and lodging

2. "Whoever builds (a house) does it for the people of the Mwami," which means that his house must be open to all the king's subjects.

to a traveler would be given the name of umugome (bad); he would be Uwanga Umwami (an enemy of the Mwami).

Civil responsibility.

672 Civil responsibility does not exist. The parents themselves however, repair any damage done by their children.

SECTION V. GOVERNMENT AND ADMINISTRATION

1. Nationality

563 The Munyarwanda people include the Batutsi, the Bahutu, and the Batwa. The Mututsi aristocracy of Hamite origin dominates

[opp. p. 82]

142

Muhutu type.
(Official Photograph, Colonial Office.)

[Between pp. 82 and 83]

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Orchestra accompanying the dance of the intore.

The Mwami attending his intore.

(Photos taken by Author)

Dances of the Intore.

(Photos by Borchgraeve.)

[Between pp. 82 and 83]

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Mututsi prince.

Mutwa in a pantomime scene.

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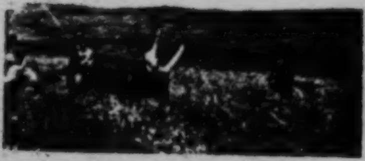

Inyambo, accompanied by
their guardians, grazing in a
Buganza pasture.

The parade of the Inyambo,
A Muhutu praising the qualities
of the sacred cattle he is guarding.

(All photos taken by Author)

563 the mass of the Bahutu who are Bantus. These devote themselves to agriculture and raise cattle for the benefit of the Batutsi. The [582] pygmoid Batwa are kept at a distance by the Batutsi and the Bahutu and marriage with them is forbidden. They are hunters, blacksmiths, and potters.

173 The legendary tradition of the country explains the origin of these diffetent peoples. Nkuba (lightning), first king of the country, and his wife, Nyagasani, lived in the heavens with their two sons, Kimanuka and Mututsi, and their daughter, Nyampundu. One day, having come down from their heavenly abode the three children settled on Mubari Hill in the Urgweya savanna, near Kissaka, and Kimanuka took the name of Kigwa (lit., fallen from the sky). They lived there on the produce of their hunting and are versed in the art of forging spears, pruning knives, and hoes. Kigwa married his sister Nyampundu, and Mututsi went off elsewhere. But when he learned that his brother and sister had had some children, he came back to them and married one of his nieces. The descendants of Kigwa took the name of Abanyiginya; those of Mututsi were called Abega. They sold weapons and farming tools and thus became very rich.

They continued to live on Mubari Hill until the time when Gihanga (the creator), twelfth king [84] of the dynasty, began to overrun the whole country in order to dispose of the products of his family's forges. This Mwami "traveling salesman" was the first to exercise supreme authority effectively and was much loved by all his people, who considered him as a half-god after his death.

Gatutsi received many cows from his father Gihanga. His brother Gahutu, however, did not get any from the father because there was not enough cattle for him. Thus he was obliged to become Gatutsi's servant. Gatwa, third son of Gihanga, killed Gatutsi. The weight of this crime has fallen on the Batwa descendants of Gatwa. Gihanga had still other sons: Nyakarundi, ancestor of the Barundi; Kanyabongo, father of the Banyabongo [Baniabungu?] people, who are now strangers to the Banyarwanda; finally Gahima, the first of the Bahima, inhabitants of Ndorwa, whom the Batutsi consider as their own people.

563 Whereas the Batutsi of Ruanda today consider their brothers from Rutshuru (Kivu) as Bahutu, they look upon the Batutsi of Urundi as their equals. On the other hand, the Bahutu of Urundi, by means

[opp. p. 83]

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Batutsi of northern Ruanda. Their less pure type results from marriages with Bahutu women.

(Official photo, Colonial Office.)

563 of the ubugaragu contract, can be integrated into the Ruanda society (1). But if a Mututsi of Urundi settles in Ruanda with his abagaragu, although he is the equal of the Batutsi of that country, he and his household are nevertheless considered as foreigners (2).

1. There are also Banyarwanda Bahutu who go and settle in Urundi.

[166] 2. These migrations are caused by the desire to escape personal vengeance following the accusation of murder, a sentence of banishment pronounced by the king of Urundi, or difficulties encountered by a client in his relations with his patron.

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567 In the past, at the time of the wars, the vanquished who were taken prisoner were killed, while the women and the boys and girls were carried off to slavery. A Mututsi could [85] even marry a woman prisoner if she were of noble origin; the children held their father's status. But as a rule he gave her in marriage to one of his clients; the children of such a marriage continued to belong to the master's household, but their descendants were free and thus became Banyarwanda.

567 A slave might even marry a Mututsi woman. It was thus that the Mwami Rwabugiri, who had captured a young man called Rusera Muhima, later gave him his own daughter in marriage and made him a present of the subdistrict of Rugarama in Bunyambiriri.

2. Royal Power

643
173 The Mwami (king) has supreme authority in Ruanda. We have seen that all the traditions ascribe a divine origin to his power. The annalists of the Royal Court (abatshurabgenge) attribute to the present Mwami Mutara Rudahigwa, thirty-nine ancestors who, with the exception of the first, Nkuba, who remained in heaven, have all ruled over Ruanda (1).

1. Many names have certainly been omitted from this list. Assuming that

643 173 it is correct, the domination of the Batutsi over Ruanda would go back nearly four centuries.

[565] 643 The Abanyiginya and the Abegå are the most influential noble families of the country, and kings and queens have been chosen from among them since the earliest times.

[551] The kings of Ruanda have two names, that given them at birth (Musinga, Rudahigwa) and that given them on their accession (Yuhi, Mutara).

When the Mwami dies royal power passes to one of his sons, generally to one of the youngest.

The divine origin attributed to royalty and the legitimacy conferred on the king by a very long heredity led to the [86] acknowledgment of a third characteristic of royal power, that is to say, autocracy.

[423] The Mwami is the undisputed master of the whole country, of the land (fields and pastures), of the cattle, as well as of the people. He is the only real proprietor, all those on whom he bestows his generosity being merely his life tenants.

643 425 He does not necessarily own the land which he cultivates himself, and he does not need to, since his revenues are enriched by the tributes and payments owed to him by each of his subjects. When he is young he receives in appanage from the king, his father, one or several provinces, as well as cattle, and servants. On his accession he may keep all these provinces or give them to others (1).

1. Mutara Rudahigwa has kept his provinces of Nduga and Marangara but has shifted the responsibility of their administration to an umutware.

His favors may be bestowed to anybody, to a Muhutu and even to a Mutwa, whom he can raise immediately to the highest rank. Formerly, even in Musinga's time, those who had ceased to please the Mwami, or simply those whose property he coveted, could be dispossessed any day regardless of their high positions, all influence taken from them, and they themselves exiled from the country. Today, if the Mwami wishes to occupy a certain hill, he asks one

643 [425] of his great chiefs to cede it to him. The latter yields with good grace and usually receives some cattle in exchange.

643 661 692 The Mwami is an absolute monarch by divine right who knows no other rule but his will, even his caprice. (2) In the past, before our occupation, he could with impunity torture, mutilate, or kill anyone who had displeased him. His criminal sentences conformed to the customs of the country, which acknowledged this [87] formidable right, and no one thought of rebelling against his decisions (1).

2. Hence the proverb: Luyose higirwa n'Unwami, "all depends on the King."

[177] 1. The Mwami's right of life and death was abolished in 1917 at the time of the occupation of the country by our troops.

In the same way he is high judge and makes the final settlement in disputes, even the slightest, among his subjects.

Finally, the king is the supreme legislator of the people. With the help of the abiru, he sees that the common law is kept, but he has the sole power of modifying the country's law if and whatever he wishes.

643 [692] He announces his decisions (amategeko) at the door of his rugo, where people from all parts have congregated to pay homage or demand justice. The intumwa (messengers) are then charged to make known the Mwami's orders to the people of the different provinces.

643 551 In addition to his Mututsi name (Musinga, Rudahigwa, etc.), the Mwami receives on his accession a king's name (Yuhi, Mutara, etc.). These names are repeated periodically; thus the present Mwami is Mutara III.

The king is sometimes given a surname such as Rwabugiri Sezisoni (Merciful, Clement) (2).

[192] 2. Foreign word originating in Buhima, east of Ruanda.

643 Often an interdiction is attached to a king's name: a Yuhi,
[551] for instance, may not cross great rivers like the Nyabarongo (3).

3. River flowing into the Akanyaru which forms the boundary between Ruanda and Urundi.

[775] After his death the king becomes a sort of divinity for the people.
He has gone to Hades to join the demigods, his ancestors.

643 The king shares the supreme authority with his mother
644 (umugabekazi) (4). She is all-powerful, often more powerful than
her son. Whoever pays homage to the king [88] must also do so to
his mother. She intervenes in law proceedings and the distribution
of land, herds, etc. The king and his mother together are called
Abami, The continual presence of the queen mother at her son's
[608] side is essential (1) and if the king loses his mother, he will be given
an official mother. The king's mother has a special name, the
[551] same as that of her son, except when the king is called Mutara; that
name even the court familiars cannot give her (2). The same honors

4. The king's wife is called Umwamikazi or simply Muka-Rudahigwa, etc. The present King's wife is called Nyiramakomare.

1. Kankazi, mother of Rudahigwa Mutara, lives on Shyogwa Hill in Marangara. This measure was taken by the Belgian government because, remembering the disastrous role played by Nyirayuhi with Musinga, they wished to prevent the mother of the present King from exercising too great a political influence.

2. Yuhi Musinga's mother Kanjogera, bore the royal name of Nyirayuhi. Kankazi, mother of Mutara Rudahigwa, is called Nyiramavugo.

643 are paid the Mwamikazi as to her son, hand clappings repeated
644 three times (gukoma mumashyi). After the death of the Mwami (3), his mother no longer plays any official role.

3. Or rather, as the Banyarwanda say, "When he puts on his drum," for it is forbidden to say that the King is dead.

3. The Sacred Drum

778 The origin of the Kalinga is said to go back to Ruganzu
173 Ndoli. While the latter, who was not yet king, was fighting against the Karagwe (Uganda), the Abakongoro of Kivu attacked Ruanda and killed the Mwami Ndahiro Chyamatara, father of Ndoli.

Returning from war, the latter stopped at Busigi (territory of Biumba), where a rich proprietor called Minyaruka presented a magnificent drum to the glorious victor.

778 The Kalinga is the very symbol of royalty (4). [89] Hung on
643 its stretched cords are the ibikondo, virile attributes of the principal enemies vanquished and killed by the kings of Ruanda. It is also
[787] regularly sprinkled with the blood of victims sacrificed on occasions for auguries. Truly royal honors are given to the Kalinga; it is not made to resound but the other drums sound in its honor (1). It is

4. The Banyarwanda say, Kalinga ibuze nta Mwami (lit., the drum was burned, there is no King). This proverb must not be taken literally for, on the other hand, the people of Ruanda say, Hagum'Umwami ingoma irabazwa, (lit., find the King (important thing), the drum (unimportant thing is only wood). [89]

1. Kulamutza, "to salute (the king)." The drums are beaten every morning when the king leaves his apartments to begin his day as a public person.

778 643 placed in the hut called *rwimiringa* (lit., house of copper objects (2),

> 2. *Kalinga* means "royal drum"; *Karinga* means "small copper object."

[727] built inside the king's *boma*, where the war trophies are kept. The *Kalinga* is guarded night and day, for it is the emblem of the grandeur of the kings of Ruanda.

4. The Court of the Mwami

644 At Nyanza, the royal residence (*ibgami*), flocks of people of every rank come to attend court or to inform the Mwami of the affairs of their region: Bahutu or even Batwa villagers hoping to obtain some benefit from the Mwami or his mother, dignitaries of various ranks and functions, and servants of both sexes (3).

> [114] 3. These duties and functions have been minutely described by the Rev. Father Pagès in his fine book, *Un Royaume hamite au centre de l'Afrique* [A Hamite Kingdom in the Center of Africa] (ed. I.R.C.B. [Institut Royal Colonial Belge], Brussels, 1933). This work constitutes a veritable and priceless monument for the knowledge of Ruanda and its people. We cannot do better than suggest that the reader refer to it for everything concerning the organization of the Royal Court.

5. The Council of Ministers

645 787 In serious circumstances, such as war or famine, the Mwami is obliged to convene the great chiefs (*abatware b'intebe*) in council (*inima*). The soothsayers (*abapfuma*) then consult the oracles and

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787 according to their answers indicate the decision to be made.

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6. The Intore

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861 The Mwami's prestige requires him to have a group of intore who constitute a corps of pages. Their creation goes back to Mwami Ruganzu. They were then called the "intrepid ones" (1). The intore are the sons of the intebe and abachibiri chiefs as well as of the Mwami's abagaragu. A father who did not send his child to the king's Court to become an intore would imply that he did not love the Mwami and would regret it. Usually when they are igimbi (about ten years old) the young boys are brought to Nyanza where they remain until they are men. They learn to fight, jump, and dance. At the same time they get their political education, learning the legendary traditions and customs of the country as well as the rules of courtesy. The intore camp on a hill not far from the Mwami's residence and meet morning and evening for their exercises.

644
292 At festival time, the intore wear a special garment. Their loins are girt with a leopardskin (inkindi), and they wear round their heads a band (umugara) decorated with inkomo fur (black, white-collared monkey called Colobus) which is held by imiroto going down their cheeks. They wear a necklace (igitako) round their necks and [535] others as shoulder belts (inzibanye). They dance holding a bow (umuheto) in one hand and a spear (ichumu) in the other; small iron bells are attached to their ankles.

7. The Inyambo

231 Ruanda can be called Igihugu chy'inka n'ingoma (the country of the cow and the royal drum). Horned cattle, the principal wealth of the Batutsi, is cared for with a love approaching veneration.

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1. Ibisumizi, from gusumira, "to carry off by force."

231 173 [91] Legendary tradition attributes to Nyiraruchyaba, daughter of Gihanga, the introduction of cattle into Ruanda. One day when she went to cut wood, she noticed whitish patches on the ground. Being very thirsty and not finding any water nearby, she took her drinking-straw and drank the white liquid. Finding this drink delicious, she wished to know whence it came. She went into the forest and came upon a horned animal that was losing through its udder a liquid identical to that she had just drunk. In the meantime as Gihanga had fallen seriously ill, she brought him some of the white liquid. The patient drank it and recovered quickly. He asked his daughter where the medicine had come from and she brought him the animal. The cow was called ingizi (from kugira neza, to heal well). Since that time the Banyarwanda have had a great veneration for horned cattle.

232 Along with ordinary cattle (inkuku) the Mwami owns herds of scrupulously selected cows which, without being precisely the object of a cult as in ancient Egypt, are treated with particular care and are in the foreground at all festivals. These are the Inyambo (1).

1. The word Inyambo designates an animal, a herd, or all the herds together.

The origin of the Inyambo goes back to the Mwami Yuhi Mazimpaka. This king chose fine long-legged cows with long horns and a shiny dark brown coat (ibihogo) and mated them with a young and vigorous bull. The selected herd was kept apart in the province of Rukôma near the Nyabarongo River. These cows multiplied and from them the best ones continually selected. Under the preceding Mwami, Yuhi Musinga, the Inyambo were divided into two herds, one called agakanda and the other indoha. Musinga [92] added a third and called them respectively Inyuba hilo (the ones to be respected) or herd of Gihanga; Inshya (the new ones) or herd of Kigeri Ndabarasa which contained a remarkable bull called Rushya; and finally Ingabe (the dominating ones) or herd of Kigeri Rwabugiri.

The three herds combined were called Insanga. At the full moon in June they were led in procession to the Mwami amidst dancing and joyful cries (gukura gichurasi, lit., to carry off the month of May) (1).

821 1. The month of May, during which according to tradition Mwami Gihanga died.

821 was considered a time of mourning. It was forbidden to get married at that time.

232 At all times a bull called Rusanga and five cows of each of the three Insanga herds were kept in a special enclosure inside Musinga's boma, and the king would often come and stroke them and speak to them affectionately.

The Inyambo now live in the province of Buganza, a country of fine pastures and gently undulating hills; being delicate animals they cannot stand the high altitude climate. The Mwami hands over his herds to the umutware w'intebe who in turn entrusts them to a hill chief or to the common Batutsi, although without position of authority, they are of nobler origin than some chiefs and are therefore particularly qualified to care for this choice cattle.

The Inyambo are large, long-legged animals with a less well developed dewlap than ordinary cattle, a deeper chest, long flanks, and an angular, thin, and dry rump. The enormously long horns often attain a length of 1.75 meters. They are in the shape of a lyre or crescent; the width between the tips may be 2 or more meters. [93] The coat is bright russet (igaju) or cheese-colored (igitare), but mostly dark brown (ibihogo).

The Inyambo go back into the kraal every evening and are always bedded down, which is rarely done for ordinary cattle, even by wealthy owners.

234 They are not milked like ordinary cows. Only sufficient milk for their Bahutu guardians is taken daily. If they have a calf, their milk is reserved for the young animal. The offspring of the Inyambo is automatically an inyambo. Even the offspring of ordinary cows may become inyambo.

232 If in a herd of inkuku there is a heifer whose characteristics are similar to those of the Inyambo, the Banyarwanda mate this heifer with an inyambo bull. The calf born of this first union is called imilizo. If the breeders judge that the inyambo qualities are to be found in this animal, it is also mated with an inyambo bull, and the offspring is considered worthy to enter the Inyambo herd.

The inyambo cows are never slaughtered or sold for any reason, such as malformation or sterility; they all die of illness or old age. The males fare differently. When they are full grown

232 the best are kept for reproduction, but the others are sold, killed, or placed in ordinary herds. The meat of slaughtered bulls and that of dead cows is eaten or sold by the guardians.

Castration does not exist; it is even forbidden by customary law.

527 231 The Inyambo are led to the Mwami at festival time and at public rejoicings. They are escorted by the Mututsi, with whom they are boarded, and by [94] their guardians. For the occasion, the finest animal (inyamibwa) wears on its forehead an ornament of beads (amaraba), at the base of each of its horns three strings of beads (amashyongoshyc), and on the tips, tufts of banana fiber (amakamba); a strap covered with black and red beads goes round its neck; finally tufts of palm fiber called ubuhivu are fastened to the end of its tail. Six cows wear an ornament of white beads (inigi) between their horns and necks. Two others have two inigi and a bead collar longer than the inigi called imiheja. Finally the rest of the Inyambo simply have a tuft of fibers on their tails.

When they arrive at Nyanza, the Inyambo file before the Mwami while their escorts utter joyful cries (urwamu), wave sticks (guchyar'inka, lit., to make the cattle go in), and praise the good qualities of the Inyambo. Then they line the Inyambo up (kumulika Inyambo, lit., to show off the Inyambo) and renew their praises.

The intore pages then group themselves and dance in front of the herd (kwinikiza). The festival ends with libations of banana beer offered by the Mwami to all who have participated in the presentation of the Inyambo. If the Mwami is satisfied with the treatment of the Inyambo, he gives some ingororano to the chief of the province in which the herd is living and also to the chief's people.

8. Death of the King

643 763 When the Mwami feels his end is approaching, he calls to his side his stewards (abanyagikari), notables (abatoni) of whom he is particularly fond, and some guardians of the customs (abiru). He tells them his last wishes and reminds them of the name of the successor he has chosen. [95]

766 When the king is dead, the abiru shave their heads, take off their bracelets, and put on a garment of sycamore bark. Then they choose eight Batutsi or Bahutu belonging to the families of the Abatsobe, the Abagunga, or the Abanyargona, who are in charge of the funeral (abanyamugogo, lit., man with the great log). The corpse is dressed as when the person was alive, rolled in a mat, and placed in an ingobyi (1) resting on a raised hurdle (urutara) set up in one of the huts of the royal boma (2).

For eight days the watchers keep a great fire burning under the hurdle in order to cure the corpse. To speed up the operation the corpse is turned over morning and evening, and to prevent the skin from splitting, the watchers anoint it with butter from time to time.

At dawn of the ninth day, the body is lifted by the watchers, accompanied by a few abiru, and hidden during the day in the rugo of a Munyarwanda. At nightfall, the small group sets out again. Traveling only at night, the funeral procession arrives at Rutare Hill, near Lake Mohasi, the end of the journey. The owner of each rugo, where the bearers have spent the day with the corpse, must drink the gihango (3), the absorption of which will inevitably kill him if he

1. Long, boat-shaped basket in which people of high quality are carried.

2. In the past, on the death of the king, two noble Batutsi had their throats cut. This was called gusegurir Umwami (lit., to make the king's pillow). When the Umugabekazi died, two great Batutsi ladies were similarly killed.

278 3. This gihango is different from the one in question in the blood pact, p. 13. It is a muddy drink in which medicinal herbs are mashed and mixed with wood ash and ash from the powder of the horn of a bull that has killed another bull. The Banyarwanda

278 believe that this potion will kill whoever does not speak the truth or reveals a state secret (cf. also Procedure, Pp. 104 and 105).

766 dared reveal what he had seen.

The summit of Rutare Hill is crowned with trees, [96] the remains of an ancient forest. The cemetery of the kings and queens can be found there. The abanyamugogo build a hut there, dig a grave, and bury the king and his weapons in it. The hut is closed with beams and surrounded by a thorny enclosure to keep wild animals out. [767] Quite near-by, the watchers build themselves dwellings where they live for two years and are fed during this time by the people of the neighborhood. Then they return home after going through Nyanza where they are showered with gifts. But the Mwami may not see them for he would die during the year if he caught sight of those who have watched over and carried his father's body. For the same reason the abiru who have accompanied them to Rutare may never return to the court of Nyanza. The belief also exists that from [825] the right shoulder of the dead Mwami there issues a worm (urunyo) which, if placed in a pitcher of milk, will grow and become a leopard that kills only those who are wicked and unjust.

When the Mwami dies all work stops for eight days. For two months the bulls are removed from the herds and the king's children may not have any marital relations. Although they are under no obligation to do so, the Banyarwanda behave in the same way.

The death of the Umugabekazi [king's mother] calls for the same ceremonies and the same interdictions, but they are somewhat simplified.

9. Succession to the Throne

643 The king of Ruanda always belongs to the family of the [614] Abanyiginya. His wives (1) are mostly chosen from the clans of the Abega and the Abakono.

[644] 1. The king may have four legitimate wives whose children are the only ones who, in theory, can succeed him; he can have as many concubines as he wishes.

643 Sometimes the reigning sovereign can openly designate [97] even one of his youngest sons as heir. This happens when the soothsayers recognize him as being a "magic" king, with the mission of overcoming, for example, an epidemic (Umwami w'imitsindo). Thus Rwabugiri conferred power on his eldest son Rutalindwa, who took the name of Mibambwe, only for the duration of Musinga's minority.

Usually the name of the king's successor is secretly indicated by the king to the abiru, who then proclaim the one chosen.

669
643 As the law of primogeniture does not exist, palace revolutions frequently occur on the death of kings. There are disputes between royal wives who have male children, especially when the wives belong to powerful families, in order to raise themselves and their sons to supreme power and to be able to bestow on members of their family high positions, land, and herds. It was this kind of revolution that, soon after the death of Rwabugiri, overthrew Mibamwe and gave Ruanda to Musinga and his mother Kanjogera.

10. Accession of the King

643 Two days after the death of the Mwami, his successor is proclaimed king by the guardians of the customs. After two months of mourning, all the great and small chiefs and their abagaragu go to Nyanza. The Inyambo are also brought there. For two days the most unbridled joy is given free rein amidst drinking, dancing, and games. The new king shows himself to the people in formal garments, his forehead bound with a crown composed of strings of white beads (ikamba or igisingo) falling over his face, and he receives from his subjects, as a gift of accession, some indabukirano. Then the people go back to their homes and the new reign begins.

643
644 If the son of the deceased is too young to actually reign [98], the mother and usually the maternal uncles of the young prince act as regents (1). Similarly the Umugabekazi participates in the

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1. We should point out however that Ruganzu Bwimba, before setting out on an expedition against the people of

644
643 Gissaka, a war in which he was killed, had designated as regent of his son Kyilima Rugwe, an Umunyginya called Chyenge, and not one of his brothers-in-law.

meetings of the Council of Ministers until her son is about fifteen years old, an age at which he can exercise supreme authority. Formerly, the Mwami's maternal uncles, taking advantage of his youth and their own privileged position, would often have recourse to violence and trickery in order to increase their provinces and their herds.

11. Political Divisions

631 The characteristic traits of feudalism are found in Ruanda. The dispersion of authority and property and the Mwami's bestowing on his subjects benefits and commands that are always revocable, result in great uncertainty for everyone and permit the king to establish his domination firmly over the country.

635
631 Ruanda is divided into provinces (intara) placed under the command of a single chief (umutware w'intebe) (2). There are

2. Intebe, stool-seat.

exceptions to this rule. In Bgishaza, for example, two different chiefs are placed under the orders of the umutware w'intebe, the umutware w'ubutaka who exerts his authority over the lands and the Bahutu, and the umutware w'umukenke who governs the pastures, the herds, and the Batutsi. The abatware are appointed by the Mwami. They do not necessarily belong to the first families of the country. An average Mututsi or even a Muhutu may become a chief, thanks to royal favor that rewards his intelligence and devotion. [99]

635
701 In the past, at the time of the wars, the Mwami's abapfumu chose from among the abatware w'intebe the umugabe w'ingabo (chief of the army). When peace was concluded, the latter remained what he had been before.

631 There are *abatware* who personally own hills in other prov-
635 inces (1).

1. Since 1924, aiming to unify the commands of the provincial chiefs, the government has endeavored to persuade the *abatware* to exchange hills.

634 The *abatchibiri*, who own only a part of a province, are also directly subordinate to the Mwami, who has given them their lands.

622 The *ibisonga* are placed at the head of one or more hills.
562 They are the supervisors of the *abatware* and the *abachibiri*, on whom
624 they also spy for the Mwami. Women can be *ibisonga*. For example, they can be the Mwami's *abaja* (mistress-servants) who, as a reward for the bestowal of their favors, are given a hill. But the most frequent case is that of a widow of an *igisonga* [sic] without any male children who, while attending the king, obtains permission to continue to manage the hill held by her husband (2). Each hill chief has under him a factotum called *umuhingisha* who designates and marks the boundaries of the fields, for which the Bahutu have asked the chief, and who may even settle the palavers in the absence of the *igisonga*. The *umunyabigega* is hierarchically subordinate to the former *igisonga*. He is the steward of the granaries (*ibigega*) of the chief whose cultivated fields he supervises.

2. An example would be Nyiraigweni, widow of Nyantabana, a great provincial chief, replaced today by Rwabutogo who commands the district of Buganza in the territory of Nyanza.

631 The *abanyabikingi* command only a portion, a spur of a hill.
622 Appointed directly by the Mwami, they act as supervisors, and even as spies of the *ibisonga* for the king. [100]

12. Succession of Command

635 Like the royal office, the position of provincial chief is hereditary. It is assigned by the chief to one of his sons whom he considers most worthy to succeed him. It may happen that he may at the same time become chief of the clan, but it is not always so (1), for the family and the clan are social entities that are distinct from political units.

The new chief must come and announce his father's death to the Mwami, bringing him a yo kubika cow, (lit., which announces death). On the other hand, he receives some indabukirano from his people and his friends.

622 The chiefs other than the abatware are appointed by the latter and confirmed in their functions by the Mwami.

13. Taxes and Forced Labor

651
466 Along with the civil obligations derived from the ubugaragu contract, there are others due to the chiefs as such.

A. Obligations Due to the Hill Chief.

The Bahutu who are not abagaragu of the igisonga must bring the latter once a year a large basket of sorghum (urutete) and a small basket of beans (ipfukire). Formerly, they were also required to cultivate the chief's fields (ubuletwa or uruharo) (2), to build and maintain each a part of the chief's rugo (kubak'inkike), and to act as messenger (gutumwa). Finally, the igisonga keeps a group of five

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1. Cf. the example quoted in Personal Status, The Head of the Family and of the Clan, p. 6.

2. In 1924 this custom was modified by the authorities in order to improve the lot of the Muhutu, who now give only two days of work out of seven.

466 651 [101] men (intizo) for his personal needs and puts the remainder at the disposal of the provincial chief, who uses them either for building or repairing ingo belonging to the Mwami or his family, or else for work on the roads, etc.

The forced labor of kubak'inkike and gutumwa falls also on the simple Batutsi who are not the chief's clients (1).

1. The Batutsi obviously unload these obligations on their servants or their clients.

The chief's Bahutu and Batutsi abagaragu do not owe the ubuletwa. They are called ibyanga mibyizi (lit., those who refuse work). But they must bring the urutete and the ipfukire. In addition, the forced labor of kubak'inkike and of gutumwa falls on them also(2)

2. Cf. Property, Ownership of Cattle, p. 49.

by virtue of the ubugaragu contract.

All the Bahutu must in turn watch each night in the igisonga's rugo (okulalira) and provide the necessary wood for heat and cooking.

B. Obligations Due to the Provincial Chiefs and the Abachibiri.

The Bahutu who are not abagaragu owe them the urutete, the ipfukire, and also the ubuletwa for every two days out of seven. When the performance of this last obligation is difficult or even impossible because of the distance, the Bahutu replace it by bringing the produce of their cultivations (sorghum, peas, beans, Eleusine, and cush-cush). This tax is called ibihunikwa (lit., that which is put in the granary).

The Bahutu clients are only subject to the uretete and the ipfukire.

651 The ordinary Batutsi have the obligations of kubak'inkike, gutumwa, and kubyukurutsa, that is to say, of giving cows called imbyukuruke (2)

2. Cf. Property, Ownership of Cattle, p. 49.

[102] Those who are abagaragu, unless they have a dispensation, must bring to the chief the uretete and the ipfukire.

The ibisonga [sic] are charged with the collection, in each umulyango, of the taxes in kind due respectively to the abatware and the abachibiri.

The inhabitants of Nduga and Marangara, provinces that are the appanage of the present-day Mwami, owe him and him alone, the tax because he is chief of the province.

C. Obligations Due the Mwami.

These obligations have the generic name of ikoro ry 'Umwami.

The Bahutu have to bring the king the ikoro ry 'ubutaka (lit., land tax), including the urutete and the ipfukire, on which the chiefs collect a tithe (umusogongero). Those who are his direct clients are subject to, in addition [to the above], either the ubuletwa or the ibihunikwa.

The Batutsi are subject to the kubak'inkike, the gutumwa, and the kubyukurutsa. Those who are the Mwami's abagaragu must in addition, unless they are exempt, provide the urutete and ipfukire. The taxes in kind intended for the Mwami are collected by the chiefs from the people under their administration.

The provincial chiefs have the obligation to live at Nyanza for some time in order to attend the court there, and the king is apt to keep them waiting sometimes for several months before dismissing those with whom he is displeased. They are also obliged to bring cattle to the Mwami, particularly some inkuke (1), one indwanyi (2), one ibiniha (3), and some intorwa (4).

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1. Cf. Property, Ownership of Cattle, p. 42.

2. Cf. idem, p. 43.

3. Cf. idem, p. 43.

4. Cf. idem, p. 43.

651 The king also has the right to a certain percentage of the heads of game (gusogongera). In the past the Mwami also collected a certain number of cows [103] (iminyago) out of those acquired during wartime raids.

Some of the natives are subject only to the ingabo. This is the case of the artisans, hunters, and farmers who provide the king and the Court with bows, arrows, pruning knives, mats, skins, drums, honey, hydromel, etc.

The Batwa are subject to no actual fiscal obligation to the king and chiefs. Potters must only furnish pots and pitchers to the court and provide the Mwami, his wife, and the Umugabekazi with ingobyi. They are also the executors of the king's great undertakings. The hunters' payments consist of ivory, skins, and fragrant wood.

687 Punitive sanctions are provided in the case of nonexecution of these obligations. The hill and provincial chiefs as well as the king have the Bahutu cudgeled and take the cows away from the Batutsi. In the past, the Mwami would even sometimes have the Batwa executioners cut off the ears (kubiha) of the Bahutu who are delinquent in tax payment.

651. 486 A toll (ihoro) is paid by those who cross any water. To cross a larger river such as the Nyawarongo, the tax is paid to the provincial chief who refunds some of it to the boatmen.

Merchants must also pay a toll to the chief whose territory they cross. [104]

14. Secret Societies

575 563 668 The sect known as the Nyabingi (or Biheko) has its origin in the name of the Queen of Ndorwa who was killed by the warriors of Mwami Rwabugiri, resulting in a marked hostility to the Batutsi and the royal authority on the part of the Queen's descendants. Also, these people have become Bahutu by their marriages with commoners. These are sufficient reasons for the "Baheko" [sic] to be considered rescuers by the Bahutu, especially in the north of Ruanda where the resistance, if not the hostility, to the Batutsi and their administration is much stronger than in the rest of the country.

From Ndorwa where it originated, the sect spread out to Buberuka, Mulera, Bugoyi, and even to Buganza and Bwanachyambwe.

575 The propagandists are mostly women who claim they are possessed
563 by the spirit of Nyabingi. Every Nyabingi woman has at her dis-
668 posal a certain number of *abagirwa* who are her servants but who
often exploit for her the naïve Bahutu by exacting from them presents supposedly intended to honor Nyabingi [by inducing them] to thank her for protecting them from the Batutsi and even from the Europeans.

The Nyabingi sect has therefore a very harmful influence, not only because it keeps the Muhutu in worthless beliefs and takes advantage of his credulity by exacting from him large presents (baskets of peas, beans, and sorghum, and also sheep, goats, bull calves, and heifers) but especially because it preaches respect for an authority independent from the Mwami and excites hatred of the Batutsi chiefs and also of the occupying power. [105]

15. Social Classes

563 The Bahutu, dominated by the Batutsi, with the addition of
565 a few groups of Batwa, constitute the population of the Banyarwanda.

But the Bahutu, like the Batutsi, are subdivided into several categories, each having a special name.

The poor Muhutu who has only a miserable patch of land, is
565 called *umutindi*. If his poverty is less great, his name is *umugabo*.
An *umukungu* is a man who is well provided for, owning several fields and numerous heads of cattle.

Similarly, according to their progressive wealth, the Batutsi are *umukene*, *umukire*, *umutunzi*, and *umutware*. The *abatware* make up a restricted aristocracy called *imfura*.

554 As we have seen, the favor of the Mwami or of the great chiefs
may have the effect of appreciably improving the social position of
558 even a ordinary Muhutu. On the other hand, an important chief may
be reduced to the most miserable condition if he has displeased the king or if he has been cursed by his father.

[563] The Batwa are all on the same footing and are universally
despised by the Bahutu as well as by the Batutsi.

727 In the past, enemy warriors were usually massacred. The
567 noble women, reduced to slavery, were considered as Batutsikazi;

[727] the Bahutu women became abaja (servants). The little girls had the [567] same fate as the women. The boys were treated like the Bahutu (1).

1. Cf. also: Personal Status, the Family and the Clan, p. 4; Marriage, p. 14; Birth and Filiation, p. 25; Government and Administration, Nationality, pp. 70 and 71; Right of War, (see below).

[106]

[701] [564] The warriors did not constitute a separate caste. All the able-bodied men, Batutsi as well as Bahutu, had to take arms when the country was invaded.

[791] Similarly, the soothsayers, sorcerers, rain makers, and the numerous court officials at Nyanza did not make up closed castes.

16. Right of War

721 In the past, Ruanda has had many great wars with all the neighboring countries, particularly with Karagwe, Gissaka, Kivu, and Urundi.

When the frontier guards (abanyarugerero) noticed suspicious troop movements, they notified the Mwami who summoned his [781] Council of Ministers and then consulted the auguries. If these were favorable, war was decided on. An intumwa was sent to the frontier of the two countries, and crying out from a distance, declared the opening of hostilities. The Banyarwanda warriors, both Batutsi and 726 Bahutu, fought together in regional campaign corps. The supreme chief of the army chosen for the duration of the war from among the abatware had the title of umugabe w'ingabo. During the battle the troops were preceded by abahenyi, entirely naked Bahutu who shouted insults at the enemy.

The Mwami sent an emissary to summon the enemy to surrender. If the enemy capitulated, a messenger accompanied by one from Ruanda came to notify the Mwami of the surrender and then returned to his country.

727 The male prisoners were usually massacred, and their women and children led to Ruanda. Booty, consisting mostly of cattle, was

1: Vanhove--92A G-5 (ca. 1935) 1941 FO42 Rundi FO42

[opp. p. 106]

681

Impaled cattle thief.
(Official photo, Colonial Office.)

727 divided among the Banyarwanda warriors, who had to remit part of it to the Mwami (iminyago).

The king then reassembled his council and announced the end of the war.

[107]

SECTION VI. JUSTICE

CHAPTER I. PENAL LAW

685

1. Theft (1) of Provisions and Small Livestock

1. Theft is called ubujura or ubgibyi. The word umujura designates the thief in general. The umushimusi is the cattle thief and the igisambo is the robber of provisions, tools, etc.

a) Thief Caught in the Act (flagrante delicto) (muchyuho).

Whoever found a thief in his rugo could, in the recent past, kill him with impunity, but if the victim of the theft did not succeed in giving the thief the unexpected mortal blow, and the antagonists got to fighting, the thief had to be brought before the [694] hill chief. Today the hill chief has the presumed culprit apprehended by some of his men, who bind him and lock him up until he is brought before the tribunal. However, the relatives or shebuja of the thief can offer a present (inchamugozi, lit., which cuts the cord) to the chief so that he may be unbound. At the tribunal they offer to pay the robbed man the ingurano (from kugura, to buy back), an indemnity which is not necessarily of the same nature as the object of the theft; for instance, hoes can be handed over for a basket of sorghum that has been stolen. The robbed man claims in addition the inchachyuho (2) for the violation of his

2. Lit., "the one (the cow) that cuts, delivers (the thief) for the break (into the rugo)."

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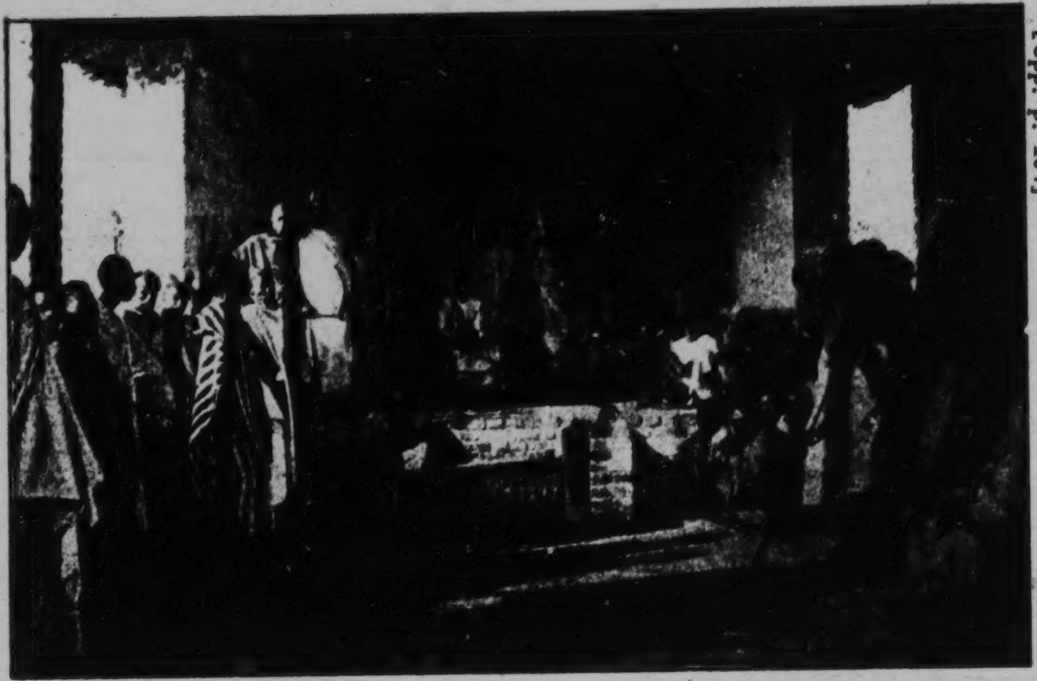
695
177

[opp. p. 107]



One of the many native tribunals instituted since the Belgian occupation.

(Official photograph, Colonial Office)

685 property right; it usually consists of a hoe. [108] If the thief is poor, a rich man may indemnify the victim of the theft, but in exchange he requires [from the thief] payments in the form of work.

In the past, if no intervention was made in his favor, the thief became the slave of the robbed man (umugaramu, the one who is bought back) for a certain period of time. However, he was well treated by the master and could even, when liberated, become his client.

b) Thief Not Caught in the Act.

685 694 In this case the robbed man has a discreet investigation made by a person who will not arouse suspicion. As soon as the investigator has gathered some information, he notifies the victim of the theft. The latter, with the help of his relatives or friends, goes and takes back his property and even something more; or else he arrests the thief or notifies the chief who has the thief apprehended. The man who was robbed must furnish the chief with proof of the crime (igihanga, lit., the head). Even if the robbed man has been paid back, the thief must pay him the umunani, representing eight times the value of the theft. Until the payment of this indemnity is complete, the thief remains in chains and is even beaten, unless he gives the inchamugozi. In addition to the imunani [sic] he is required to pay the inchachyuho.

685 The highway robber (umwambuzi) is sentenced to corporal punishment and to return what he has taken.

If the Mututsi, by any remote chance, stole provisions or small livestock, he would be given the usual punishments, and an even worse penalty, banishment from Mututsi society, for this theft would degrade and return him to the rank of Bahutu.

The umugambanyi (informer, traitor) does not steal himself, but sends some abajura (thieves) to commit [109] the crime. The ichyitso is one who gives the thieves necessary information. The umugambanyi is deprived of his property and bound and beaten until he has paid the umunani [sic]; then he is driven from the hill, and his rugo destroyed or given to another man. The punishment of the ichyitso is the same except that he is not held to the payment of the umumani.

Whoever has received stolen goods (1) is punished like the thief. Whoever has hidden a thief from the searchers but can prove he did not participate in the theft is merely bound and cudgeled without further punishment.

1. The receiver is not designated by a special word. To receive stolen goods is called *guhishira*, "to hide in favor of someone."

2. Theft of Heavy Cattle

Today, the robbed man who catches the robber in *flagrante delicto* is no longer allowed to kill him. Whether *flagrante delicto* or no, only the provincial tribunal is competent to deal with the affair. As concerns the punishments, there are several possibilities.

Whoever has taken possession of one or several heads of cattle must return what he has stolen. In addition he is required to present to the tribunal eight animals (*umunani*) among which the man who has been robbed can choose a *y'ichyuho* cow, because the thief has entered his *boma* without his permission. Finally, he must give the man he has robbed an *inguramaboko* cow (lit., which releases arms that are bound) in order to purchase his freedom.

If the thief has slaughtered or sold the cattle, he must bring the *umunani* so that the robbed man may chose as many animals as have been stolen. In addition, the thief is obliged to give a *y'ichyuho* and an *inguramaboko* cow. The man who has been robbed must give the tribunal proof of the theft (*igihanga*). If, for example, the thief has slaughtered an animal, [110] the victim of the theft must show the horns of the animal that has been killed.

If the thief does not own any other animals except those he has stolen, his family pays the *ichyuho* and the *inguramaboko*. If the family owns no cattle or refuses to give any, the thief's hill chief or *shebuja* pays for him, but then the thief must redeem himself by working for the chief who has intervened in his favor.

685 If no one agrees to pay for the thief, the latter is led before the Mwami who asks one of the notables who is present to redeem him, in consideration of which the thief discharges his debt by working for this chief.

The Mututsi who steals a head of cattle is sentenced to ordinary punishments. During Mwami Rwabugiri's time, the thief might even have been condemned to death.

The receiver of stolen cattle is punished like the thief; sometimes he may also be deprived of his entire herd.

The obligation provided by customary law to restore what is stolen and in addition to pay the y'ichyuho and the inguramaboko is intended not only to repair the damage done, but also to severely punish the delinquent in order to inspire a salutary fear in him.

In the past, a chief might frequently have raided entire herds. He could be sentenced by the Mwami to return what he had taken and in addition to give to the man he had robbed several heads of cattle. The thief was also sometimes dispossessed of all his property. Unfortunately if the thief was a relative or friend of the Mwami, the theft often remained unpunished.

Formerly, one who stole a cow belonging to the Mwami's inyambo herds was condemned to be impaled.

Similarly, a cattle thief caught for the third time lost not only all that he possessed but was often condemned to death.

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3. Fires

An incendiary (utwika) after being well beaten must restore the value of what he has destroyed; rugo, objects, provisions, etc. Otherwise he is dispossessed of his own rugo and all its contents for the benefit of the victim of the fire. If the fire is unintentional its author is only condemned to pay damages.

4. Blows and Wounds

683 If the blows administered result in wounds, the assaulter is condemned only to a fine (ichyiru), the amount of which varies with the rank of the victim. Thus an ordinary Muhutu messenger or an umugaragu of the Mwami may receive a whole herd. Usually if a

683 Muhutu has been wounded he receives the indwaza (lit., who cares for) indemnity consisting of one or two goats. If the author of the blows is a Mututsi, he must lend a cow to the Muhutu so that he can have its milk for as long as there is any; the Muhutu gets the full ownership of a bull calf when he returns the cow.

5. Murder

682 Murder cases were under the exclusive jurisdiction of the Mwami at the time when he had the right of life and death over his subjects (1).

1. Cf. Government and Administration, Royal Power, p. 74, note 1.

682 If the murderer (gatozi) and his victim belonged to the same
696 social class, the king ordered the exercise of private vengeance
628 (guhora, to avenge; kwikorera, to avenge one's self), which resulted in endless conflicts between families and clans. The Mwami, however, could throw on the murderer, the full responsibility of his deed, and the relatives of the victim could not then resort to the "vendetta."

682 [112] If the murderer was a Muhutu and the victim a Mututsi, two deaths were exacted.

On the other hand, if a Muhutu had been killed by a Mututsi, recourse to direct vengeance was impossible, but the Mwami could turn over a member of the Mututsi's family to the victim's relatives and have him killed. However, if a fairly important Mututsi killed a Muhutu, neither he himself nor his property would be affected. This iniquitous ruling did not rouse the natives' indignations because it conformed with the law of the land and they therefore submitted to it.

The right of pardon did not exist. However, the king could stop the vengeance (gucha inzigo, lit., to cut the vengeance) and offer compensation (wergild) to the family of the dead man; this was when the latter was a Muhutu, as the Batutsi accepted only blood atonement. For the king to agree to recognize the benefit of the compensation to the victim's family, the dead man had

682 obviously to be an important person, such as an umugaragu of the Mwami. In carrying out the sentence, the murderer had to give the victim's parents many heads of cattle, thirty or sometimes even more.

If a person lost his life in a fire started by a malicious person, the guilty party (or one of his family) was punished by having his head cut off by a member of the victim's family.

689 The abalozi (sorcerers) accused of having caused the death of a man by their evil spells were also punished by the death penalty. 696 If the murderer took refuge in the rugo of a chief, he found there inviolable sanctuary. It would have been a lack of respect to authority to kill a man at the chief's home and the administrators of justice might have been put to death for doing so. In such a case the chief himself brought the murderer before the Mwami.

[113]

6. Special Cases

687 Exceptionally serious cases had to be submitted to the Mwami.

The crime of lese majesty brought with it, in the recent past, the death penalty to the perpetrator. The Batwa executioners were charged with carrying out the sentence by strangling (guhotora), spearing (gutera inchumu), cudgeling (gukubita inkoni), or killing with an axe (gukubita intorezo). The criminal could also be thrown into a pit located in Bugessera (near Nyanza) after having been strangled (1), or else he was blinded with a hot iron (2).

1. Abanyiginya accused of having plotted against the Mwami were punished in this way.

2. A chief of the neighborhood of Issave called Kayijuka had his eyes burned out for having shown Nyirayuhi, mother of King Musinga, to a missionary. At this time the custom of the country did not allow noble women to be seen by foreigners.

689 Rain makers (*abavubyi*) proved guilty of imposture (3) were drowned in Lake Mugessera.

684 Unmarried girls found to be pregnant suffered the same fate.

7. Unintentional Homicide

682 It sometimes happens that a beater or a hunter hidden in thick shrubbery is confused with the game or a wild animal and is killed by an arrow. These accidents are regulated in the following way:

If an arrow, after wounding an animal, kills a man, the shooter's responsibility is not involved.

If an arrow intended for an animal misses its target and kills a man who has indicated his presence, [114] the clumsy shooter is considered a murderer and the right of revenge is granted the victim's family. However, if the murderer can prove that the victim gave no signal, he is relieved of responsibility. He can also plead not guilty before the tribunal of the provincial chief or of the king by pointing out, with the help of witnesses, that because of the cries and many signals set off at the same time, he was unable to distinguish his victim's warning whistle, or that the latter moved after having given the signal agreed upon.

If the plaintif's statements are accepted, the tribunal declares that the victim has perished by reason of his own imprudence or of an accident for which the killer cannot be held responsible, and the latter is definitely exonerated.

8. Imputability and Responsibility

672 Except in a case where the guilty one and the victim are of different social ranks, the seriousness of the punishment corresponds *ne varietur* to a determined offense, and attenuating or aggravating

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3. In spite of this terrible punishment the rain makers continued to ply their dangerous but lucrative trade.

672 circumstances are not taken into account, except in the case of a theft of provisions, when the judge must make sure whether the motive for the crime was hunger or fraudulent intention.

681 Children who commit an offense are whipped. Insane criminals are shut up and shackled.

682 Striking back is considered legitimate in the case of an unjust attack. In the past, if the aggressor was killed, the individual who had legitimately defended himself asked for the Mwami's intervention to stop reprisals by the family of the author of the criminal attempt. The king then forbade the exercise of private vengeance.

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9. Prescription

681 Prescription of the punishment as well as that of public action is unknown in Ruanda's common law.

CHAPTER II. PROCEDURE (1)

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1. Today, with the exception of crimes such as the abduction of cattle and private disputes which are in the cognizance of native tribunals, penal cases in which natives are involved are judged by European courts. The Belgian government has maintained, almost entirely, the native judicial organization in civil affairs. (Cf. J. Vanhove, Les Juridictions indigènes au Ruanda [Native Jurisdiction in Ruanda], Revue Congo, July, 1939).

1. The Various Degrees of Jurisdiction

Usually the parties first attempt to settle their dispute amicably before appealing to the jurisdiction of the hill chief (2).

2. Uruja kujya ibgami rubanza mu bagabo, that is to say literally, "the palaver that

692 will go to the king begins between the men (meaning here the arbiters)."

The chief who is judge is always assisted by its abagaragu conversant with the common law of the country, who have the collective name of abachamanza (arbitrating judges). In very delicate matters the case may be postponed to a later date to permit particularly competent abagaragu to handle it. The abachamanza are not necessarily Batutsi; Bahutu may be appointed as assessors and are thus called upon to judge an affair in which a Mututsi is involved.

Cases are brought before the tribunal in two ways:

694 a) When the hill chief (igisonga) or the subchief (umuhingisha) hears that a crime has been committed, [116] he sends a few of his men to arrest the individual who is suspected by public rumor of having committed the offense. The latter, tightly bound, remains shut up in an enclosure open to the winds, located near the chief's house, until the tribunal decides on his fate. During this period of preliminary detention, some of the chief's abagaragu, whether judges or not, question the presumed guilty person and attempt to make him confess his crime (kwindja, lit., to tempt, to solicit).

b) In civil matters the plaintif (umulezi) goes to the chief before whom he squats down, his stick and his spear against his shoulder, claps his hands, and says to the chief: Nimugahorane Imâna! (May God help you!) (implying, to judge my palaver). The defendant (ulegwa) is asked to appear. If after three successive summonses he persists in not appearing, the chief has him called once more. If he still defaults, his adversary has won his case.

695 The tribunal sits on the threshold of the chief's dwelling, where the ibitabo (1) are, or else under the porch in front of the insika (2).

1. Small, very low festoon-shaped mud walls.

2. A kind of wickerwork screens decorating the base of the pillars supporting the hut's roof.

The plaintif's relatives and a crowd of curious onlookers attend the debates.

The defendant, then the plaintif, speak in turn, each of them twice. They can have recourse to an unpaid lawyer, generally a son, a faithful servant, or their shebuja.

The assessors who have questions to ask interrogate the parties. The chief himself is silent. Then, at his command or that of the wisest of the assessors, one of them rises and takes up the palaver again in detail (gusor'imanza, to give the content of the palaver, or better, gusubira mu rubanza, to repeat [in place of] the palaver). At the end of this statement [117] during which there has been complete silence, he pronounces the following words: Kubganjye nyanaka aratsinze! (According to me so and so has won), then he sits down again. Although the tribunal's silence indicates their agreement, the chief asks the assessors to confirm their assent and then pronounces the sentence.

If the members of the tribunal are not unanimous, the chief asks one of the opposing assessors to give again a statement of the case, indicating the reasons for his attitude. The first speaker then answers, supported by those of his colleagues who agree with him. The assessors with a different opinion then answer back, and there follows a lively and often stormy debate in open court. The exchange of talk sometimes becomes such that the chief has to interrupt to call the meeting back to dignified order. At a given moment, having heard all the facts, the chief, who is judge, demands silence, takes over in his turn the affair ab ovo, and after having justified his point of view, says: Koko nyanaka aratsinze! (Truly that one wins!).

The most usual methods of proof are testimony and oath. Only the plaintif is authorized to demand testimony. The witness (1) (umugabo), always a single one, can be called in civil and penal affairs. He is questioned after the two parties have spoken. The intervention of a witness is only relatively useful, he is always more or less closely related to the plaintif and the defendant generally objects to him.

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1. A woman or child can never act as a witness.

695 The oath is administered by the chief to both litigants and the witness before they speak. After planting their spears in the ground, they swear, saying: Nkabeshya iti chumu ndakaritega Mutara! (2) (If I lie, may this spear pierce Mutara!)

2. Instead of pronouncing the name of the reigning king, one often simply says, Ndakariteg'Umwami!

[118] In the past, in the case of a serious theft, assaults and wounds, or suspect illness or death, the accused who persisted in his denial was often tortured or subjected to an ordeal.

A person presumed guilty of a big robbery was tightly bound, then cow's urine was poured into the cuts made by the cords; or else he was deprived of food and beaten till he was crippled, all this without prejudicing the punishment.

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787 A man who had been the victim of a big robbery, or whose relative had been attacked by, or died of, a suspicious disease, would go to complain to the chief, accompanied by a Muhutu sorcerer (umushuzi), who would then perform the gushora (divination). The sorcerer would take a pruning knife (ikibabo) and ask the accused to spit on the blade (gukamira, lit., to milk) and to pronounce the following words: "If I am guilty, you will become black. If I am not guilty, you will become white like an inyange (ibis)." The umushuzi would then plunge the pruning knife into the fire. When the iron turned red-hot he scattered magic powder (umubi) on the blade and awaited the result of the experiment.

Another test currently used in the same cases was that of the chick called umuchuri (from guchurikam, to upset) for the occasion. The accused drank a little water, rinsed out his mouth, and spat out the water into the beak of the chick. The sorcerer (mututsi) then spoke to the bird, saying: "If you find that this one is guilty, you will make the traveler walk and the sedentary one stop. If he is not guilty, you will make the traveler rest and the sedentary one walk (1)."

1. These sibylline words can be explained as follows: In the entrails of the chick (ibilanga) there are some intestines which in contracting or expanding give the impression of retreating or advancing.

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787 opened up its body, and after examining its entrails would give the suitable interpretation.

696 [119] There is no special procedure in the execution of sentences. If the judgment concerns stolen cows, the plaintif or the abagaragu go and take them from the thief. In other cases the condemned one does it himself, and if, as unlikely, he refuses to do so, the chief would compel him by force.

692 In principle, justice is gratuitous and legal expenses do not exist, but the judges are not indifferent to douceur, which gives an advantage to the powerful and wealthy ones. On the other hand, as a rule, an umugaragu with a palaver brings beer or tobacco to his shebuja so that he will bring his case before the tribunal.

Appeals are dealt with by the provincial chief whose tribunal is organized on the same basis as that of the hill chief. This appeal is called gusuzugura (lit., to despise the chief's justice) or gusubira urubanza (to begin the palaver over again).

In the past a Muhutu did not appeal to the provincial chief but to the umugabe w'ingabo (1).

1. Cf. Government and Administration, Right of War, p. 92.

On the other hand, the provincial chief's tribunal has first cognizance of cases concerning cattle and territorial litigation between hill chiefs. It is also obliged to act in cases of expulsion or dispossession of a Mututsi or a Muhutu by a hill chief.

The Mwami's tribunal is the supreme jurisdiction. The king presides, surrounded by his confidential men who are versed in the customs (abahanga) or by persons of high rank who have the responsibility of being judges.

Normally, the Mwami alone is competent to deal in the first instance, and with no appeal, with criminal affairs, [120] but he may delegate his power to an umutware. If, for example, a provincial chief has denounced a sorcerer to the king, the latter may command the chief to kill the umulozi.

Crimes of high treason and violation of state secrets are also exclusively of his competence.

695 In the past, in criminal cases judged by the Mwami, recourse was had to the gihango test in order to force the accused to

695 confess (1). Sentences were carried out by the Batwa executioners.

1. Cf. Government and Administration, Death of the King, p. 82, note 3.

692 695 Any Munyarwanda, even the most humble, may appeal directly to the Mwami if he has been despoiled by a chief. But this resort to royal justice is illusory for the poorer claimants, who are often obliged to remain for an indefinite time at Nyanza before their case is called. In addition, while the judges of the Mwami's tribunal are required to refuse presents offered by the litigants and to judge equitably regardless of their caste, they sometimes are willing to accept an "honorarium" from one or the other of the parties.

692 Finally, the Mwami's tribunal intervenes, with no appeal possible, in litigations arising between individuals belonging to different jurisdictions.

2. Litigation between Natives of Different Jurisdictions

When litigation arises between natives belonging to different hills, the defendant's *igisonga* deals with the case. The plaintif appears assisted by his *shebuja* or one of the latter's *umugaragu*, who acts as a kind of lawyer and is called *umuhagarikira*. If the plaintif's claim is rejected, he appeals to his chief. The two chiefs then get together in a neutral place with their *abagaragu* and the [121] litigants. If an amicable arrangement is impossible, the parties have recourse to the jurisdiction of the provincial chief.

If the litigants belong to different provinces, the plaintiff whose claim has been rejected by his adversary's hill chief goes accompanied by his *shebuja* or a *umuhagarikira* to the provincial chief who tries to come to an agreement with his colleague. If he does not succeed in doing this, the parties and their patrons go to the Mwami. The king appoints some persons of high rank from among the provincial chiefs on official visits, his courtiers, and his *abagaragu* to examine the case. This time it is the hill chiefs who plead for their own people. If the decision rendered does not please

692 one of the parties, he appeals to his provincial chief who points the matter out to the king. The Mwami then calls certain of his abahanga (1) with whom he sits and listens to the respective provincial chiefs of the parties who are acting for them. The king then pronounces the sentence, justifying his judgment.

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628 It should be noted that the normal procedure we have described could not always be employed in the past. When two hill chiefs, for example, were hostile to each other, and if the victim of a robbery came to claim justice, it could be that the thief's chief might take the thief's part. The robbed man would notify his chief, and then it was war between the hills. If the robbed man's chief was weak and could not obtain justice for his man, he appealed to the provincial chief who would summon both chiefs, the thief, and the robbed one. Only the two chiefs plead, first the robbed man's chief then the thief's chief. If the latter proved that the victim of the theft had wished to take the law into his own hands without first appealing to him, and that he then had to defend himself against an attack which he believed unjust, the provincial chief then inflicted a fine (ichyiru) in cows on the robbed man's chief. If the domestic war had resulted in deaths or wounds, the palaver was obligatorily transferred to the Mwami. After paying his fine, the robbed man's chief could apprehend the thief and punish him, as we have stated above.

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1. Cf. p. 104.